

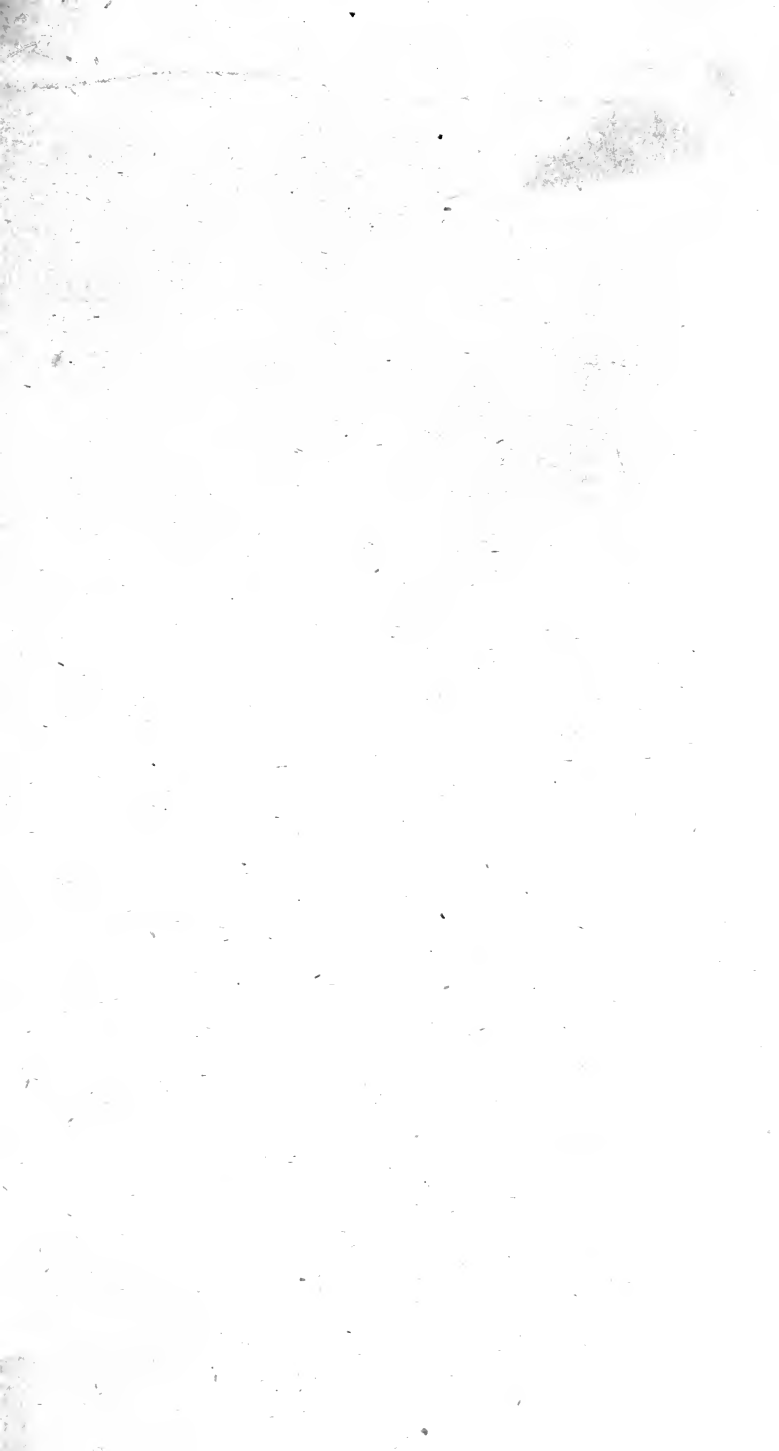
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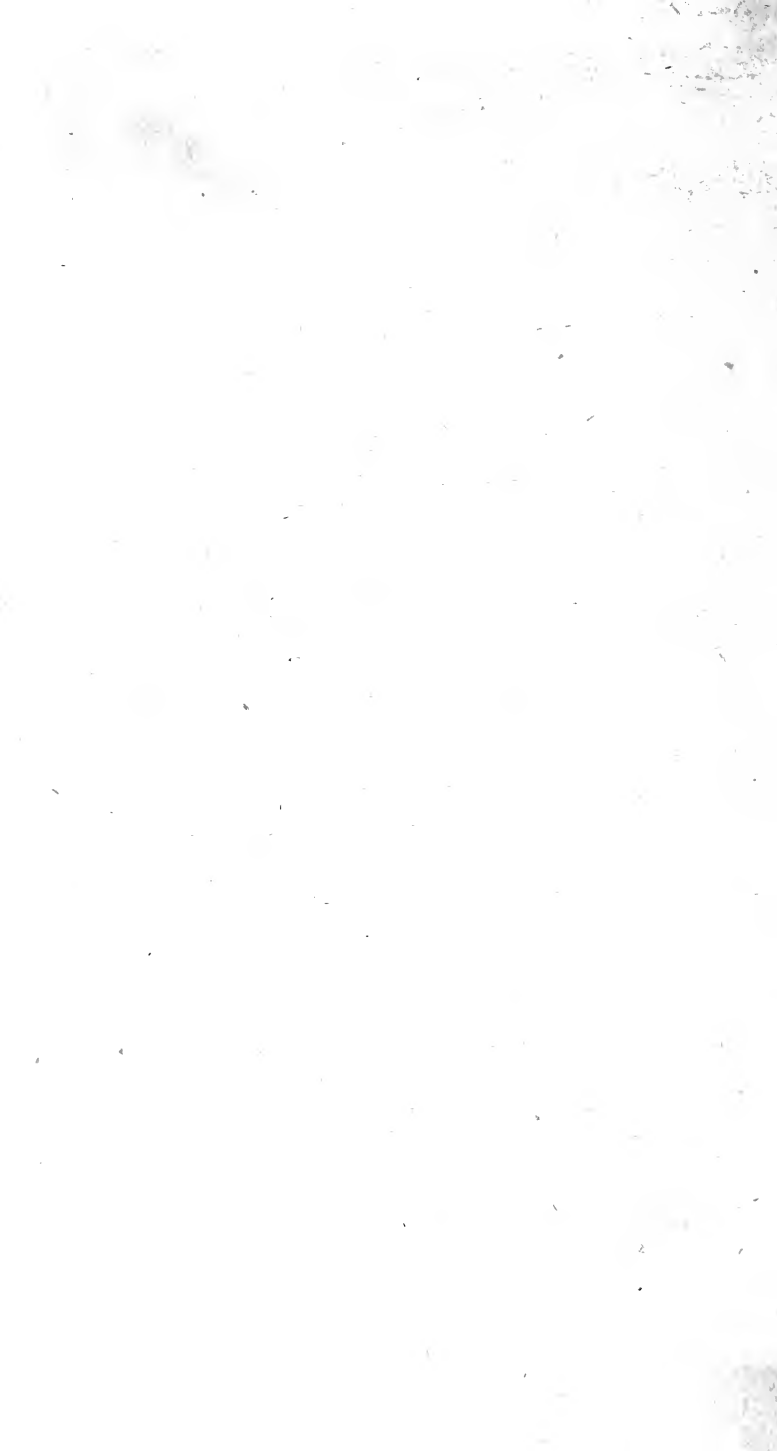
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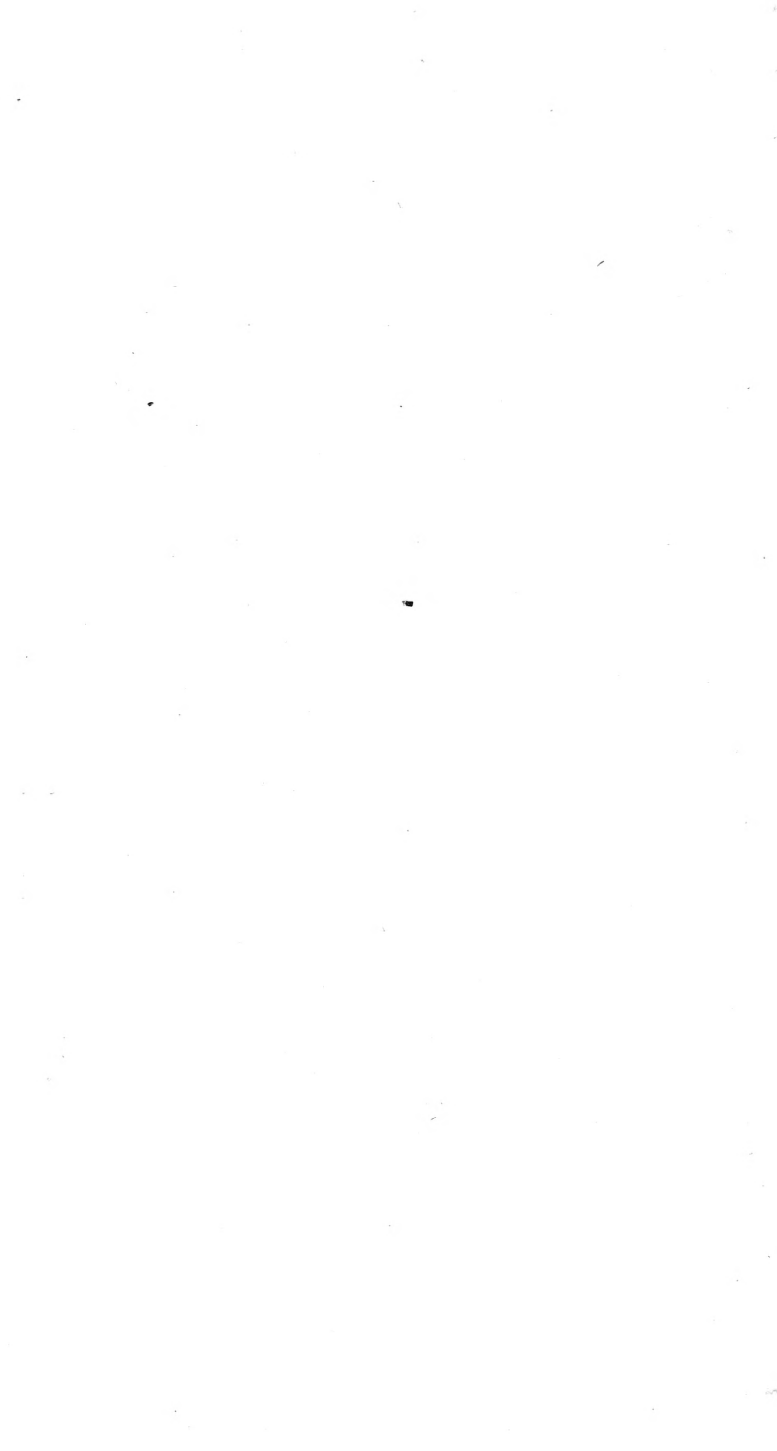




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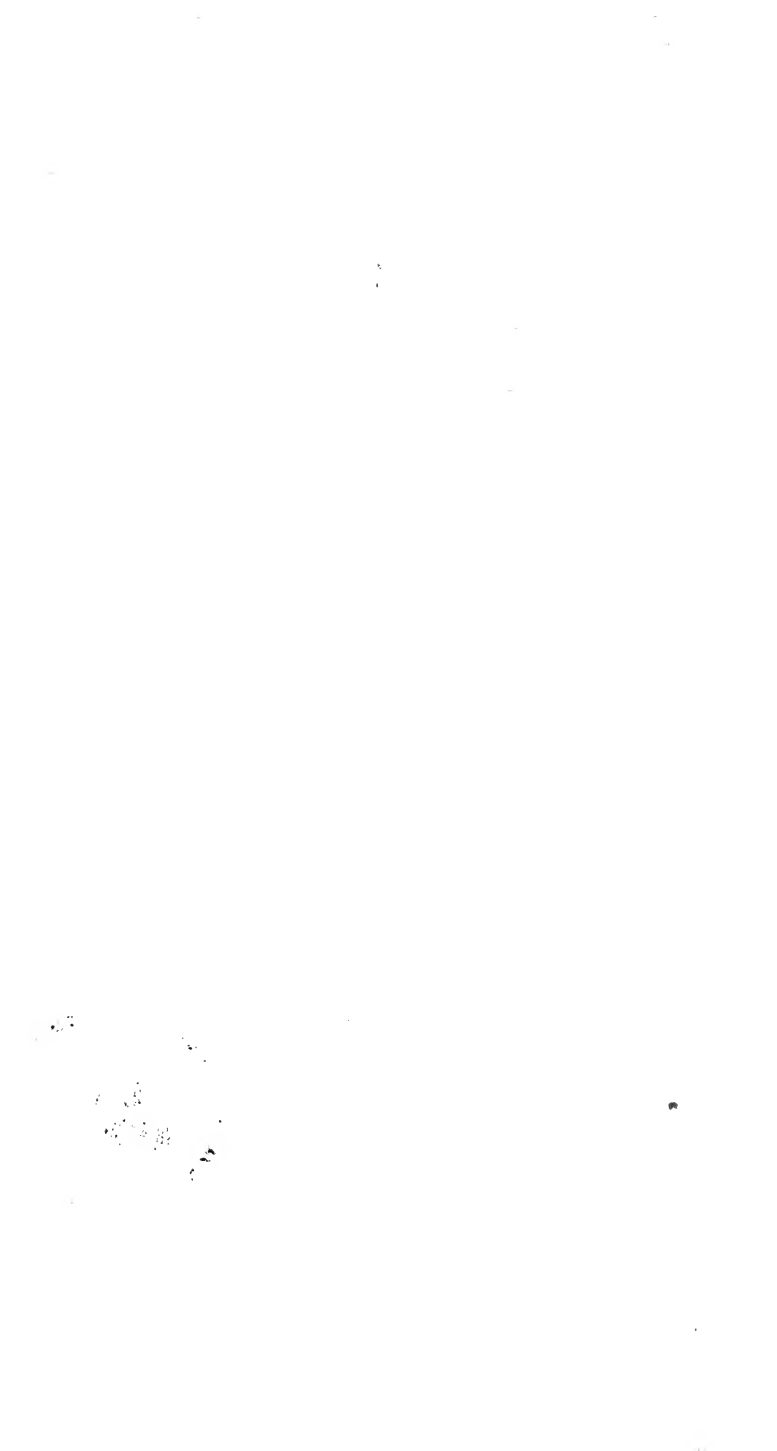
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THE
AMERICAN SENATOR.
OR
A COPIOUS AND IMPARTIAL REPORT
OF THE
D E B A T E S
IN THE
CONGRESS OF THE UNITED STATES:
INCLUDING
ALL TREATIES, ADDRESSES, PROCLAMATIONS, &c.
WHICH OCCUR DURING THE PRESENT SESSION,
BEING
THE SECOND OF THE FOURTH CONGRESS.

By THOMAS CARPENTER.

VOL. I.



PHILADELPHIA:

PRINTED BY JOHN PAGE, N^o. 67 MULBERRY STREET.
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T O T H E P U B L I C.

THE Editor of this work feels his high obligations to the public, for their liberal encouragement, and renews his assurances that no dilligence, aid, or attention, shall be wanting to give the most general fatisfaction.

It is undertaken in confidence that the impartiality, and accuracy which shall continue to dictate it will encrease its demand, while it enhances its value.

The situation of our politics, with respect to the recent unhappy breach of friendship with a nation, between whom and America the most perfect unanimity subsisted, but which cordiality is somewhat, though we hope, not alarmingly abated; together with the many important points recommended to the attention of Congress by the President of the United States, must promote a desire in every person to obtain correct and early information of the state of our affairs, which will in this work be conveyed to the public from the best sources and authorities, and at as small a charge as the labour and expence necessarily attendant on such a work will admit.

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HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES,

Monday, December 5, 1796.

THIS being the day appointed by the Constitution for the annual meeting of Congress, 53 members appeared and took their seats.

Three new members presented their credentials, to wit; Mr. ANDREW JACKSON, from Tennessee, Mr. WILLIAM CRAIK, in the room of Mr. JEREMIA CRABB, who has resigned his seat, and Mr. JAMES DAVENPORT, in the room of Mr. HILLHOUSE, appointed a Senator of the United States, to whom the oath to support the Constitution was administered; they then took their seats.

A quorum, consisting of a majority of the whole number being present, it was ordered, on motion, that the Clerk wait on the Senate, to inform them that this house was ready to proceed to business; but it appeared that the Senate had not been able to form a quorum by one member and had adjourned.

Mr. W. SMITH presented a petition from Thomas Lloyd, proposing to take in short hand, and publish the Debates of Congress at 1000 dollars per session salary; the expence of printing, &c. he estimated at 540 dollars, for which he would furnish the House with 500 copies of the work; engaging to use every possible precaution, and pay prompt attention.

Mr. SMITH referred to the unfavourable reception of a proposal of this nature at the last Session, and supposed this would not be more successful; however, he moved that it be referred to a Committee: The motion was agreed to, and Mr. W. SMITH, Mr. GALLATIN, and Mr. SWIFT were appointed to examine the petition and report thereon to the House.

The House adjourned at one o'clock, untill to-morrow morning at eleven.

Tuesday, December 6.

The Clerk waited on the Senate to know if they had formed a quorum, which appeared in the negative.

The Speaker observed, that as there were several returns of new elections of members to serve in this Session, it was proper that pursuant to a rule of the House, a Committee of elections be formed; a Committee was accordingly appointed of Mr. VENABLE, Mr. SWIFT, Mr. DENT, Mr. DEARBON, Mr. BLOUNT, Mr. MUHLENBERG, and Mr. A. FOSTER.

Mr. MACON moved that a Committee of Revival, and unfinished business of last Session be appointed, pursuant to the standing rules and orders of the House, observing that as the Session would be but short, it would be necessary to be early in the appointment of Committees; whereon Mr. GILMAN, Mr. R. SPRIGG, jun. and Mr. MACON were appointed.

Notice was received that a quorum of the Senate was formed. On motion it was therefore resolved, That a Committee of three members be appointed, to wait on the President of the United States, in conjunction with a Committee from the Senate, to inform him that a quorum of both Houses were assembled, and ready to receive any communications that he may please to make. Mr. AMES, Mr. MADDISON, and Mr. SITGREAVES, were accordingly appointed.

A message was received from the Senate by Mr. OTIS, their Secretary, informing the House, that they had formed a quorum, whereon the Clerk went to the Senate with the resolution of this House. Mr. OTIS soon after returned, informing the House, that the Senate had concurred in the resolution, and formed a Committee for that purpose.

Mr. W. SMITH said, that agreeable to an act passed the last Session, the Laws of the United States were publishing; but observed, that it would be of much more utility if the Laws of the present Session could be included, thus the whole of the present Congress would be inserted, together with the completion of the administration of the present President. He observed that such a motion passed at the last Session in the Senate, but was negatived by this House, on account of its affecting the contract made for printing; but he believed, from the knowledge he had gathered on the business, no great difficulty could be in the way of its accomplishment.

He therefore moved "That a Committee be appointed to prepare and bring in a bill, to amend an act for the more general promulgating the Laws of the United States." A Committee was appointed of Mr. GRISWOLD, Mr. WILLIAMS, and Mr. COLES.

On motion of Mr. BRADBURY, it was resolved, "That the Clerk of this House cause the members to be furnished, during the present Session, with three News-papers printed in this City, such as the members, respectively, shall chuse, to be delivered at their lodgings; provided they do not exceed the price at which subscribers in Philadelphia are served.

Mr. AMES, from the Committee appointed for that purpose reported, that the Committee had waited on the President, who was pleased to signify to them, that he would make a communication to both Houses of Congress to-morrow, at twelve o'clock, in the Representatives Chamber.

The House adjourned at one o'clock.

Wednesday, December 7.

The House being assembled, a message was sent to the Senate informing them that this House was ready, agreeable to appointment, to receive communications from the President; whereon the Senate attended, and took their seats. At 12 o'clock the President attended, and after taking his seat, rose and delivered the following

A D D R E S S.

*Fellow Citizens of the Senate,
and of the House of Representatives.*

IN recurring to the internal situation of our country, since I had last the pleasure to address you, I find ample reason for a renewed expression of that gratitude to the Ruler of the Universe, which a continued series of prosperity has so often and so justly called forth.

The acts of the last session, which required special arrangements, have been, as far as circumstances would admit, carried into operation.

Measures calculated to ensure a continuance of the friendship of the Indians, and to preserve peace along the extent of our interior frontier, have been digested and adopted. In the framing of these, care has been taken to guard on the one

hand, our advanced settlements from the predatory incursions of those unruly individuals, who cannot be restrained by their tribes; and on the other hand, to protect the rights secured to the Indians by treaty; to draw them nearer to the civilized state; and inspire them with correct conceptions of the power, as well as justice of the Government.

The meeting of the deputies from the Creek nation at Colrain, in the State of Georgia, which had for a principal object the purchase of a parcel of their land by that State, broke up without its being accomplished; the nation having, previous to their departure, instructed them against making any sale; the occasion however has been improved, to confirm by a new treaty with the Creeks, their pre-existing engagements with the United States; and to obtain their consent to the establishment of trading houses, and military posts within their boundary; by means of which their friendship and the general peace may be more effectually secured.

The period during the late session, at which the appropriation was passed, for carrying into effect the Treaty of Amity, Commerce and Navigation, between the United States and his Britannic Majesty, necessarily procrastinated the reception of the posts stipulated to be delivered, beyond the date assigned for that event. As soon however as the Governor General of Canada could be addressed with propriety on the subject, arrangements were cordially and promptly concluded for their evacuation; and the United States took possession of the principal of them, comprehending Oswego, Niagara, Detroit, Michilimackinac and Fort Miami; where such repairs and additions have been ordered to be made as appeared indispensable.

The Commissioners appointed on the part of the United States and of Great Britain, to determine which is the River St. Croix, mentioned in the Treaty of Peace of 1783, agreed in the choice of Egbert Benson, Esq. of New-York for the third Commissioner. The whole met at St. Andrews, in Passamaquoddy Bay, in the beginning of October; and directed surveys to be made of the Rivers in dispute; but deeming it impracticable to have these surveys completed before the next year, they adjourned to meet at Boston in August 1797, for the final decision of the question.

Other Commissioners appointed on the part of the United States, agreeably to the seventh article of the Treaty with Great Britain, relative to captures and condemnation of vessels and other property, met the commissioners of his

Britannic Majesty in London, in August last, when John Trumbull, Esq. was chosen by lot for the fifth commissioner. In October following the board were to proceed to business. As yet there has been no communication of Commissioners on the part of Great Britain, to unite with those who have been appointed on the part of the United States, for carrying into effect the sixth article of the Treaty.

The treaty with Spain, required that the Commissioners for running the boundary line, between the territory of the United States, and his Catholic Majesty's Provinces of East and West Florida, should meet at the Natches, before the expiration of six months after the exchange of the ratifications, which was effected at Aranjuez on the 25th day of April; and the troops of his Catholic Majesty occupying any posts within the limits of the United States, were within the same period to be withdrawn. The Commissioner of the United States, therefore, commenced his journey for the Natches in September, and troops were ordered to occupy the posts from which the Spanish Garrison should be withdrawn. Information has been recently received, of the appointment of a Commissioner on the part of his Catholic Majesty for running the boundary line; but none of any appointment, for the adjustment of the claims of our Citizens, whose vessels were captured by the armed vessels of Spain.

In pursuance of the Act of Congress, passed in the last Session, for the protection and relief of American Seamen, Agents were appointed, one to reside in Great Britain, and the other in the West Indies. The effects of the Agency in the West Indies are not yet fully ascertained; but those which have been communicated afford grounds to believe the measure will be beneficial. The Agent destined to reside in Great Britain, declining to accept the appointment, the business has, consequently, devolved on the Minister of the United States in London; and will command his attention, until a new Agent shall be appointed.

After many delays and disappointments, arising out of the European war, the final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers, will, in all present appearance, be crowned with success: but under great, though inevitable disadvantages in the pecuniary transactions, occasioned by that war; which will render a further provision necessary. The actual liberation of all our Citizens who were prisoners in Algiers, while it

gratifies every feeling heart, is itself an earnest of a satisfactory termination of the whole negociation.

Measures are in operation for effecting Treaties with the Regencies of Tunis and Tripoly.

To an active external Commerce, the protection of a naval force is indispensable. This is manifest with regard to wars in which a state is itself a party. But besides this, it is in our own experience, that the most sincere neutrality is not a sufficient guard against the depredations of nations at war. To secure respect to a neutral flag, requires a naval force, organized and ready to vindicate it from insult or aggression. This may even prevent the necessity of going to war, by discouraging belligerent powers from committing such violations of the rights of the neutral party, as may, first or last, leave no other option. From the best information I have been able to obtain, it would seem as if our trade to the Mediterranean, without a protecting force, will always be insecure; and our citizens exposed to the calamities from which numbers of them have but just been relieved.

These considerations invite the United States to look to the means, and to set about the gradual creation of a navy. The increasing progress of their navigation promises them, at no distant period, the requisite supply of seamen; and their means, in other respects, favour the undertaking. It is an encouragement likewise, that their particular situation will give weight and influence to a moderate naval force in their hands. Will it not then be adviseable to begin without delay to provide and lay up the materials for the building and equipping of ships of war; and to proceed in the work by degrees, in proportion as our resources shall render it practicable without inconvenience; so that a future war of Europe may not find our commerce in the same unprotected state in which it was found by the present?

Congress have repeatedly, and not without success, directed their attention to the encouragement of manufactures. The object is of too much consequence not to ensure a continuance of their efforts in every way which shall appear eligible. As a general rule, manufactures on public account are inexpedient. But where the state of things in a country leaves but little hope that certain branches of manufacture will for a great length of time obtain; when these are of a nature essential to the furnishing and equipping of the public force in time of war; are not establishments for procuring them on public account, *to the extent of the ordinary demand for the*

public service, recommended by strong considerations of national policy, as an exception to the general rule? Ought our country to remain in such cases dependant on foreign supply, precarious, because liable to be interrupted? If the necessary articles should in this mode cost more in time of peace, will not the security and independence thence arising form an ample compensation? Establishments of this sort, commensurate only with the calls of the public service in time of peace, will, in time of war, easily be extended in proportion to the exigencies of the government; and may even, perhaps, be made to yield a surplus for the supply of our Citizens at large, so as to mitigate the privations from the interruption of their trade. If adopted, the plan ought to exclude all those branches which are already, or likely soon to be established in the country, in order that there may be no danger of interference with pursuits of individual industry.

It will not be doubted, that with reference either to individual or national welfare, agriculture is of primary importance. In proportion as nations advance in population, and other circumstances of maturity, this truth becomes more apparent, and renders the cultivation of the soil more and more an object of public patronage. Institutions for promoting it, grow up, supported by the public purse; and to what object can it be dedicated with greater propriety? Among the means which have been employed to this end, none have been attended with greater success than the establishment of boards, composed of proper characters, charged with collecting and diffusing information, and enabled by premiums, and small pecuniary aids, to encourage and assist a spirit of discovery and improvement. This species of establishment contributes doubly to the increase of improvement, by stimulating to enterprise and experiment, and by drawing to a common centre the results every where of individual skill and observation, and spreading them thence over the whole nation. Experience accordingly has shewn, that they are very cheap instruments of immense national benefits.

I have heretofore proposed to the consideration of Congress, the expediency of establishing a National University, and also a Military Academy. The desirableness of both these institutions has so constantly increased with every new view I have taken of the subject, that I cannot omit the opportunity of once for all recalling your attention to them.

The Assembly to which I address myself is too enlightened not to be fully sensible how much a flourishing state of the arts and sciences contributes to national prosperity and reputation. True it is, that our country, much to its honor, contains many seminaries of learning highly respectable and useful; but the funds upon which they rest are too narrow to command the ablest professors in the different departments of liberal knowledge for the institution contemplated, though they would be excellent auxiliaries.

Amongst the motives to such an institution, the assimilation of the principles, opinions and manners of our countrymen, by the common education of a portion of our youth from every quarter, well deserves attention. The more homogenous our citizens can be made in these particulars, the greater will be our prospect of permanent union; and a primary object of such a national institution should be, the education of our youth in the science of *Government*. In a Republic, what species of knowledge can be equally important? and what duty more pressing on its legislature, than to patronize a plan for communicating it to those who are to be the future guardians of the liberties of the country?

The institution of a Military Academy, is also recommended by cogent reasons. However pacific the general policy of a nation may be, it ought never to be without an adequate stock of military knowledge for emergencies. The first would impair the energy of its character, and both would hazard its safety, or expose it to greater evils when war could not be avoided. Besides, that war might often not depend upon its own choice. In proportion as the observance of pacific maxims might exempt a nation from the necessity of practising the rules of the military art, ought to be its care in preserving, and transmitting by proper establishments, the knowledge of that art. Whatever argument may be drawn from particular examples, superficially viewed, a thorough examination of the subject will evince that the art of war is at once comprehensive and complicated; that it demands much previous study; and that the possession of it, in its most improved and perfect state, is always of great moment to the security of a nation. This, therefore, ought to be a serious care of every government: and for this purpose, an academy, where a regular course of instruction is given, is an obvious expedient, which different nations have successfully employed.

The compensations to the officers of the United States in

various instances, and in none more than in respect to the most important stations, appear to call for Legislative revision. The consequences of a defective provision are of serious import to the government.

If private wealth is to supply the defect of public retribution it will greatly contract the sphere within which the selection of character for office is to be made, and will proportionally diminish the probability of a choice of men, able, as well as upright. Besides, that it would be repugnant to the vital principles of our government, virtually to exclude from public trusts, talents and virtue, unless accompanied by wealth.

While in our external relations, some serious inconveniences and embarrassments have been overcome, and others lessened, it is with much pain, and deep regret I mention, that circumstances of a very unwelcome nature have lately occurred. Our trade has suffered, and is suffering, extensive injuries in the West Indies, from the Cruisers and Agents of the French Republic, and communications have been received from its Minister here, which indicate the danger of a further disturbance of our commerce, by its authority; and which are, in other respects, far from agreeable.

It has been my constant, sincere, and ardent wish, in conformity with that of our nation, to maintain cordial harmony, and a perfectly friendly understanding with that Republic. This wish remains unabated; and I shall persevere in the endeavour to fulfil it to the utmost extent of what shall be consistent with a just and indispensable regard to the rights and honour of our country; nor will I easily cease to cherish the expectation, that a spirit of justice, candour and friendship on the part of the Republic will eventually ensure success.

In pursuing this course, however, I cannot forget what is due to the character of our government and nation; or to a full and entire confidence in the good sense, patriotism, self-respect, and fortitude of my Countrymen.

I reserve for a special message, a more particular communication on this interesting subject.

Gentlemen of the House of Representatives.

I have directed an estimate of the appropriations necessary for the service of the ensuing year, to be submitted from the proper department; with a view of the public receipts and expenditures, to the latest period to which an account can be prepared.

It is with satisfaction I am able to inform you, that the Revenues of the United States continue in a state of progressive improvement.

A reinforcement of the existing provisions for discharging our Public debt, was mentioned in my address at the opening of the last Session. Some preliminary steps were taken towards it, the maturing of which will, no doubt, engage your zealous attention during the present. I will only add, that it will afford me a heart-felt satisfaction, to concur in such further measures as will ascertain to our country the prospect of a speedy extinguishment of the debt. Posterity may have cause to regret, if from any motive, intervals of tranquillity are left unimproved for accelerating this valuable end.

*Gentlemen of the Senate,
and of the House of Representatives.*

My solicitude to see the militia of the United States placed on an efficient establishment, has been so often, and so ardently expressed, that I shall but barely recall the subject to your view on the present occasion; at the same time that I shall submit to your enquiry, whether our harbours are yet sufficiently secured.

The situation in which I now stand, for the last time, in the midst of the Representatives of the People of the United States, naturally recalls the period when the administration of the present form of government commenced; and I cannot omit the occasion to congratulate you, and my country, on the success of the experiment; nor to repeat my fervent supplications to the Supreme Ruler of the universe, and Sovereign Arbitrer of nations, that His providential care may still be extended to the United States;—that the virtue and happiness of the people may be preserved; and that the government which they have instituted for the protection of their liberties may be perpetual.

G^o: WASHINGTON.

United States, 7th December, 1796.

When the President had concluded his address, he presented copies of it to the President of the Senate and the Speaker of the House of Representatives. The President and the Senate then withdrew and the Speaker took the

Chair. The address was again read by the Clerk, and on motion committed to a Committee of the whole House to-morrow.

Adjourned at one o'clock.

Thursday, December 8.

Mr. GEORGE EGE from Pennsylvania, and Mr. SAMUEL SEWAL from Massachusetts, in the room of Mr. GOODHUE, elected a Senator, were sworn and took their seats in the House.

Mr. GRISWOLD, from the committee appointed to bring in a bill to amend the act for the more general promulgation of the laws of the United States, reported a bill, which was twice read, and committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. W. SMITH presented a petition from Thomas Carpenter, praying encouragement to a publication of the debates of Congress from a short hand manuscript to be taken in the House, of which he had issued proposals; which was referred to the committee appointed to examine the petition of Thomas Lloyd on the same subject.

Mr. D. FOSTER presented a petition from William Clark of Massachusetts, who had been in the army, soliciting a pension; also, one from Lucy White, administratrix of Joseph White, praying the payment of a reward of 500 dollars which had been offered for apprehending one James Bowers, a forgerer; he moved that they should be referred to the committee of claims; the Speaker informed him that no such committee had yet been formed.

Mr. HEATH said, that by the standing order of the House, a committee of claims ought to be appointed, as the claims were numerous, and become very pressing on the House; he would therefore move, that a committee of claims be now appointed, which was accordingly done, and Mr. D. FOSTER, Mr. MALBONE, Mr. MACLAY, Mr. HEATH, Mr. MACON, Mr. THOMSON, and Mr. WILLIAMS, were appointed on the said committee; to whom was referred the two petitions last read.

Mr. WILLIAMS moved, "That two chaplains of different denominations be chosen, one by each House, to exchange weekly; which was agreed to.

On the motion of Mr. W. SMITH, the House went into a committee of the whole on the President's address, according

to the order of the day; Mr. MUHLENBERG in the chair; the speech was read by the Clerk.

Mr. D. FOSTER moved the following resolution: "Resolved, that it is the opinion of this committee, that a respectful address ought to be presented from the House of Representatives, to the President of the United States, in answer to his speech to both Houses of Congress, at the commencement of the session, containing assurances, that this House will take into consideration the many important matters recommended to their attention," which was unanimously agreed to, and Mr. AMES, Mr. BALDWIN, Mr. MADISON, Mr. SITGREAVES, and Mr. W. SMITH were appointed a committee to draw up the address. The committee rose, and the resolution was adopted by the House.

Mr. W. SMITH presented a petition from Thomas W. Baker, postmaster at Charlestown, praying an increase of salary, as articles of necessity become dearer, and his business is become more weighty, which was ordered to lie on the table until a committee be appointed on Post Offices and post roads.

Mr. THATCHER then moved "That a committee be appointed to enquire if any, and what alterations are necessary to be made in the act for establishing Post Offices and post roads within the United States, and to report by bill or otherwise."

Mr. THATCHER, Mr. BAYLEY, Mr. COLES, Mr. COIT, Mr. GROVE, Mr. WILLIAMS, Mr. BALDWIN, Mr. EGÉ, and Mr. ANDREW JACKSON, were accordingly appointed on that committee.

Mr. W. SMITH made mention of the petition of Henry Hill, which had been last session referred to the committee of claims, but too late to be taken up by the House. He therefore moved that it be now committed to a committee of the whole House.

Mr. MACON thought it would be more in order for the committee of revival, and unfinished business, which was yesterday appointed to report first, as this business would of course be included; however his only objection was to preserve order.

Mr. W. SMITH said, he saw no necessity of waiting the report of that committee: he thought the business of that committee lay in reporting such business to the House as would otherwise escape the notice of gentlemen, not to prevent members making motion on any case; he thought this had been the practice of the House.

Mr. MACON said, the gentleman was right in part; it had been usual in time past to bring motions of this kind immediately before the House, but the last session was the first time a committee of this kind had been appointed, in order to remove some ill consequences attending such a practice.

Mr. Speaker said, that this, with all other business remaining from the last session, would be sent to the committee. He thought if the House took up this report separately, it would not be altogether so orderly as to leave it for a committee to report thereon.

Mr. W. SMITH said, that this would be putting too much power into the hands of the committee whereby they may protract business which requires haste in its decision.

Mr. BALDWIN thought that as the committee would soon meet, their object would be to discharge the most urgent business earliest. He thought if there was not any thing very pressing in it, the most regular way would be to let it come before the House through the committee. However, if there was any thing pressing in the case, he would not stand in its way.

Mr. WILLIAMS said, that as this committee usually reported early, no great inconvenience could arise from awaiting it.

Mr. W. SMITH said, he knew not any thing extraordinary pressing in this case, and therefore had no objection to withdraw his motion and wait the report of the committee.

Adjourned at a quarter before one o'clock.

Friday, December 9.

Mr. HINDMAN presented a petition from Samuel Chester, who had been a recruiting sergeant in the army, and spent 20 years in the service in training recruits, and is now near 60 years of age, and though not wounded, yet his constitution is so debilitated that he is incapable of supporting himself, he therefore prays relief from the House. Referred to the committee of claims.

Mr. MACON, from the committee of revival and unfinished business, reported a number of bills and petitions left undecided on at the last session, of which we shall give account in due order.

Mr. W. SMITH moved, that the usual number of copies of the report on the said bills, &c. be printed for the use of the members, which was agreed on.

Mr. W. SMITH moved, that the report of the committee on the petition of Henry Hill should be referred to a committee of the whole House, and made the order of the day for Monday next; which was agreed to.

Mr. HEATH observed, that as this case was of a very complicated nature, he would move that the usual number of copies of the report of the committee of claims on it should be printed for the use of the members; which passed.

The Speaker said, that it had been usual for the House to come to some order on the President's address, which was to refer it to a committee of the whole on the state of the union. On which Mr. WILLIAMS moved, that it be committed to a committee of the whole on the state of the union, which was done accordingly.

Mr. BAYLEY moved that a committee of commerce and manufactures be appointed, when Mr. WILLIAM SMITH, Mr. SEWAL, Mr. COIT, Mr. PARKER, Mr. BLOUNT, and Mr. DENT, were named for that committee.

Mr. BALEY then moved, that when this House adjourn, it adjourn till Monday at eleven o'clock.

The reason mentioned during the last session for the House not meeting to do business on Saturdays was, that the standing committees were numerous, besides many special committees for different purposes, whose business was frequently very important and troublesome, it was therefore necessary that Saturday be allowed for the committees to sit, else business would be much protracted, and too burdensome on gentlemen in committees.

Adjourned at a quarter past twelve.

SENATE.

Monday, December 12.

At twelve o'clock, the Senate in a body, waited on the President of the United States at his house, when the Vice President presented the following Address in answer to his Speech to both Houses at the opening of the Session :

WE thank you, Sir, for your faithful and detailed exposure of the existing situation of our country; and we sincerely join in sentiments of gratitude to an over-ruling providence, for the distinguished share of public prosperity, and

private happiness, which the people of the United States so peculiarly enjoy.

We are fully sensible of the advantages that have resulted from the adoption of measures (which you have successfully carried into effect) to preserve peace, cultivate friendship, and promote civilization amongst the Indian tribes, on the western frontiers ;—feelings of humanity, and the most solid political principles, equally encourage the continuance of this system.

We observe with pleasure, that the delivery of the military posts, lately occupied by the British forces, within the territory of the United States, was made with cordiality and promptitude as soon as circumstances would admit ; and that the other provisions of our treaties with Great-Britain and Spain, that were objects of eventual arrangement, are about being carried into effect, with entire harmony and good faith.

The unfortunate, but unavoidable difficulties that opposed a timely compliance with the terms of the Algerine treaty, are much to be lamented ; as they may occasion a temporary suspension of the advantages to be derived from a solid peace with that power, and a perfect security from its predatory warfare ; at the same time, the lively impressions that affected the public mind, on the redemption of our captive fellow-citizens, afford the most laudable incentive to our exertions, to remove the remaining obstacles.

We perfectly coincide with you in opinion that the importance of our commerce demands a naval force for its protection against foreign insult and depredation, and our solicitude to attain that object will always be proportionate to its magnitude.

The necessity of accelerating the establishment of certain useful manufactures, by the intervention of legislative aid and protection, and the encouragement due to agriculture, by the creation of boards (composed of intelligent individuals) to patronise this primary pursuit of society, are subjects which will readily engage our most serious attention.

A national university may be converted to the most useful purposes. The science of legislation, being so essentially dependent on the endowments of the mind, the public interest must receive effectual aid from the general diffusion of knowledge ; and the United States will assume a more dignified station, among the nations of the earth, by the successful cultivation of the higher branches of literature.

A military academy may be likewise rendered equally important. To aid and direct the physical force of the nation, by cherishing a military spirit, enforcing a proper sense of discipline, and inculcating a scientific system of tactics, is consonant to the soundest maxims of public policy: connected with, and supported by such an establishment, a well regulated militia, constituting the national defence of the country, would prove the most effectual, as well as economical, preservative of peace.

We cannot but consider, with serious apprehensions, the inadequate compensations of the public officers, especially of those in the more important stations. It is not only a violation of the spirit of a public contract, but is an evil so extensive in its operation, and so destructive in its consequences, that we trust it will receive the most pointed legislative attention.

We sincerely lament, that whilst the conduct of the United States has been uniformly impressed with the character of equity, moderation and love of peace, in the maintenance of all their foreign relationships, our trade should be so harassed by the cruisers and agents of the Republic of France, throughout the extensive departments of the West Indies.

Whilst we are confident that no cause of complaint exists, that could authorise an interruption of our tranquility, or disengage that Republic from the bonds of amity, cemented by the faith of treaties, we cannot but express our deepest regret, that official communications have been made to you, indicating a more serious disturbance of our commerce. Although we cherish the expectation, that a sense of justice, and a consideration of our mutual interests will moderate their councils; we are not unmindful of the situation in which events may place us, nor unprepared to adopt that system of conduct, which, compatible with the dignity of a respectable nation, necessity may compel us to pursue.

We cordially acquiesce in the reflection, that the United States, under the operation of the Federal Government, have experienced a most rapid aggrandizement and prosperity, as well political as commercial.

Whilst contemplating the causes that produce this auspicious result, we must acknowledge the excellence of the constitutional system, and the wisdom of the legislative provisions;—but we should be deficient in gratitude and justice, did we not attribute a great portion of these advantages, to the virtue, firmness and talents of your administration;

which have been conspicuously displayed in the most trying times, and on the most critical occasions. It is, therefore, with the sincerest regret, that we now receive an official notification of your intentions to retire from the public employments of your country.

When we review the various scenes of your public life, so long and so successfully, devoted to the most arduous services, civil and military—as well, during the struggles of the American revolution, as the convulsive periods of a recent date, we cannot look forward to your retirement, without our warmest affections and most anxious regards accompanying you; and, without mingling with our fellow-citizens at large, the sincerest wishes for your personal happiness, that sensibility and attachment can express.

The most effectual consolation that can offer for the loss we are about to sustain, arises from the animating reflection, that the influence of your example will extend to your successors, and the United States thus continue to enjoy, an able, upright, and energetic administration.

JOHN ADAMS, Vice President
of the United States, and
President of the Senate.

The following is the Reply of the President.

GENTLEMEN,

IT affords me great satisfaction, to find in your address, a concurrence in sentiment with me on the various topics which I presented for your information and deliberation; and that the latter will receive from you an attention proportioned to their respective importance.

For the notice you take of my public services, civil and military, and your kind wishes for my personal happiness, I beg you to accept my cordial thanks.—Those services, and greater, had I possessed ability to render them, were due to the unanimous calls of my country; and its approbation is my abundant reward.

When contemplating the period of my retirement, I saw virtuous and enlightened men, among whom I relied on the discernment and patriotism of my fellow-citizens, to make the proper choice of a successor; men who would require no influential example to ensure to the United States “an able, upright, and energetic administration.” To such men, I shall cheerfully yield the palm of genius and talents, to serve our

common country ; but at the same time I hope I may be indulged in expressing the consoling reflection (which consciousness suggests) and to bear it with me to my grave, that none can serve it with purer intentions than I have done, or with a more disinterested zeal.

G^o: WASHINGTON.

HOUSE OF REPRESENTATIVES.

Monday, December 12.

Mr. AMES, from the committee appointed for that purpose, reported an answer to the address delivered by the President to both Houses of Congress, which was read by the Clerk. Mr. AMES then moved, that it be referred to a committee of the whole House, and made the order of the day for to-morrow, which was agreed to ; and also, that the usual number of copies be printed for the use of the members.

A message was received from the Senate by Mr. OTIS, their Secretary, informing the House, that the Senate concurred in the resolution of this House in the appointment of Chaplains, and that they have chosen the Rev. Bishop White.

Mr. D. FOSTER from the committee of claims, reported that they had found many memorials which had not been acted on at the last session, on account of the lateness of its continuance, and not any negligence on the part of the committee, it they would always report as soon as more important business would permit. He then moved a resolution in effect as follows: " Resolved, That all claims, referred to the committee of claims of the last session, and not by them reported on, be now referred to the committee of claims of the present session, pursuant to the rules of this House ;" which was agreed to.

Mr. MADDISON presented a memorial from the commissioners at the Federal City, stating the many advantages that would result from the building of a national university at the said city ; being the place appointed for the permanent seat of government of the United States ; observing, that it had been the subject of much conversation, but no effectual measures had been adopted towards its accomplishment ; that a portion of land sufficient for the building, together with fifty shares on the Potowmac river, which was becoming very valuable, had been appropriated by the President of the

United States ; that there would doubtless be many liberal donations and subscriptions both in this country and from Europe towards its support ; it would also introduce youth from other countries, and tend to the general wealth and prosperity of this, by the more general dissemination of useful knowledge. They pray that Congress would take such measures as that they may be able to receive any donations which may be made to the institution.

Mr. MADDISON moved, that it be referred to a select committee, and he conceived that it would be proper for the same committee to take up that part of the President's speech which relates to the same subject.

Mr. W. SMITH wished to enquire of the gentleman from Virginia whether it would not be more orderly for the memorial to lie on the table until that part of the President's speech relating to the same subject come under discussion in the House ; he suggested this idea from the consideration that it would look more respectful to the Chief Magistrate, to let it come from him, as he had recommended it to the attention of the House in his address.

Mr. MADDISON replied, that it would be more consistent with order for the memorial to go through a select committee.

Mr. SMITH said he would not object. The motion passed, and a committee of three members were appointed.

Mr. SWANWICK presented a petition from Charles White, merchant in this city, and owner of the schooner Neptune, which had been forfeited on account of a sequestration of property by the Captain, who had also very much injured the owner, by embezzling 3000 dollars, besides thirty bags of coffee ; as it was not on account of the owner, but the Captain's villany, the forfeiture took place, he hopes a reversion and relief ; being himself so great a sufferer.

It was, on motion, referred to the committee of commerce and manufactures.

Mr. SWANWICK also presented a petition from Joseph Rittenhouse, merchant, confined in prison for debt at the suit of the United States. He stated that he had surrendered all his property to be divided among his creditors : he had petitioned Judge Peters to obtain his discharge, supposing his case came within the act of relief for persons imprisoned for debt, who had not been able to effect his discharge ; he therefore prays Congress to consider his situation. On motion it was referred to a select committee of three members.

Mr. JACKSON presented a petition for cutting a new road from Virginia and Maryland to the north western territory, by which the post would be much facilitated, and the adjacent country advantaged; which memorial was referred to the committee on Post Offices and post roads.

Mr. SWANWICK presented a petition from Bartholomew Sarazen, who had sustained much loss from a French cruiser. He had made application to the French minister, and taken every measure for relief to no effect; he now prays relief from Congress. On motion, referred to a select committee of three members.

Mr. BAYLEY presented a petition from Richard Champillon, and Daniel Lettice, who with William Trevor the master, possessed a vessel, but who could derive no advantages from the said vessel for want of a licence, as the said schooner had been forfeited and purchased again by the original possessors, but could not obtain a licence from the Custom-house at New-York, they now petition Congress for a renewal of the same. Referred to the committee of commerce and manufactures.

Mr. WILLIAMS moved that that part of the report of the committee of revivals and unfinished business, respecting certain refugees from Nova Scotia and Canada, be referred to a committee of the whole House, which was accordingly agreed, and made the order of the day for Thursday next.

Mr. WILLIAMS presented a petition from James Crawford, who lost his property in Nova Scotia during the war. He petitioned relief. On motion, referred to the committee of the whole House on the claims of certain refugees from Nova Scotia.

Mr. WILLIAMS moved, that the House now go into the ballot for a Chaplain. Dr. Green and Dr. Priestly were nominated. Mr. WILLIAMS and Mr. GREENUP were appointed tellers, who, on counting the votes, declared for Dr. Ashbel Green, 35, for Dr. Joseph Priestly 27, and for the Rev. Mr. Blair 6.—Dr. Green was declared duly elected.

Mr. GRISWOLD moved the order of the day for the bill to amend the act for the more general promulgation of the laws of the United States; which being agreed to, the House resolved itself into a committee of the whole thereon, Mr. MUHLENBERG in the chair, and after reading the bill, rose and reported it without amendment. The House then took it up, agreed to it, and ordered it to be engrossed for a third reading to-morrow.

Mr. COIT moved the order of the day on the report of the committee of claims on the petition of Henry Hill. The House formed itself into a committee of the whole, Mr. MUHLENBERG in the chair, and read the report of the committee thereon; which, on account of the complexity of the case, it will be necessary to give at length.

“ That on the 15th of February 1783, a contract was made under the authority of the Superintendant of finance, with John Banks, for supplying the southern army—and it was stipulated, among other things, that payment should be made in gold or silver, at Philadelphia. Banks’s accounts were settled in 1783 and 1784, to the mutual satisfaction of him and the public officers; excepting so much as was contained in a charge of 9,768 81-90 dollars, including principal and interest, against Banks. This charge was made, and the sum retained, on the ground, that 8,612 24-90 principal, and 1,156 57-90 interest, was in Mr. Charles Pettit’s hands, which he claimed on account of a claim he, as quarter master, had against the United States, and the treasury officers claimed as monies deposited for John Banks, on account of the above contract, and that Mr. Pettit held the said sum for Banks. Mr. Pettit claims a balance due him, in the quarter master’s department, and is willing to allow that sum on his claim, or if there is not a balance in his favour, is willing to pay it. Hence it results that the sum of 9,768 81-90 dollars is credited to the United States by Mr. Pettit, and has been charged against John Banks, and reserved out of the balance of the sum.

This account having been once settled, the treasury officers refuse to re-settle it, as it is an established rule at the treasury not to open accounts for a new settlement which have once undergone a liquidation and settlement by the proper officers.

The committee suppose, in a case like this, where it is manifest a double charge, in favor of the public, has been made, and that charge consisting of one item only, about which mistakes cannot possibly occur, that propriety and justice would dictate an allowance of the sum. The petitioner had an assignment of this claim from Mr. Miller, who claimed the right of Mr. Banks.

The committee are of opinion, that it would be improper for them to determine who are the actual and equitable representatives of John Banks, so far as respects this balance;

as the right of the claimants may receive a judicial determination.

It is sufficient that the balance be placed to the credit of the person to whom it belonged on the 31st day of December 1783, the time the sum was retained out of Banks's payment. They therefore submit, for the consideration of the House, the following resolution, viz.

“ Resolved, That the accounting officers of the treasury cause the sum of 9,768 81-90 dollars, charged to the contract account of John Banks, on the 31st of December 1783, to be credited to the said John Banks—and that the sum so credited, be charged to the account of such other person as, in their opinion, shall be justly chargeable therewith.

Mr. HEATH moved an amendment to the report that the words in the latter part, after John Banks, &c. be struck out, as he thought it would otherwise be interfering with the judicial authority and making a disagreement between the latter part of the resolution and the former part.

Mr. D. FOSTER said, it appeared that when Mr. Banks's account was settled, the sum in question was charged to his account, and it appeared that the United States had been credited in Mr. Pettit's account for that sum. He thought there could be no doubt on this, and therefore hoped the amendment would be negatived. Mr. D. FOSTER, Mr. HEATH, and Mr. COIT severally spoke on the subject; the motion was then put and negatived.

Mr. COIT next moved the following resolution, to be added to the report; and that they charge the said J. Banks with the several sums paid by the United States, to indemnify the estate of the late General Green, for certain engagements entered into by him on account of the said Banks.

Mr. HEATH opposed this amendment, because it interfered with the judicial power. Besides, as there were claims prior to the engagement between General Green and Mr. Banks for this money, he thought it would be unjust to seize this money, because it was in their power. He thought the Executive power should not interfere with the legislative, nor the legislative with the Executive; and he hoped gentlemen in this House would never become accusers and judges too; such conduct he should judge extremely improper.

Mr. D. FOSTER hoped also that the last motion would not pass.

Mr. BALDWIN, Mr. COIT, and Mr. W. SMITH, severally spoke, but as more lengthy details on a subject not generally

interesting, and withal rather intricate, are not very important, we shall forbear extending the subject unnecessarily.

Mr. D. FOSTER at length moved that the committee rise and report progress. The committee accordingly rose, and obtained leave to sit again.

Adjourned at a quarter past one.

Tuesday, December 13.

A new member, to wit, Mr. WILLIAM STREADWICK from North Carolina in the room of Mr. TATUM, appeared took the oath and his seat in the House.

Mr. W. SMITH, from the committee appointed to examine into the petitions of Thomas Lloyd and Thomas Carpenter, reported the following resolution; "That the Clerk of this House cause the members to be furnished, during the present session, with copies of the Debates of Congress, printed in this city, such as the members respectively shall choose, to be delivered at their lodgings; provided that they do not exceed the price at which other subscribers are served therewith." On motion it was resolved, that it be read a second time and referred to a committee of the whole House, as the order of the day for to-morrow.

The bill for the amendment of the act for the more general promulgation of the laws was read a third time and passed without amendment.

Mr. W. SMITH then moved for the order of the day on the report of the Committee in answer to the President's Address.

Mr. GILES said, that as the printed copy of the answer was but just laid before the House, he hoped the gentleman would not insist on his motion, as he declared he had not had time to read it; he would therefore move that it be deferred till to-morrow.

Mr. PARKER seconded the motion; he said he was not able to judge whether the answer would meet his approbation or not; he wished time to be given for the consideration of it.

Mr. W. SMITH said, he knew no instance in which the answer to the President's Address had been laid over, and he thought it ought to be dispatched with all possible speed.

Mr. HEATH said, he hoped his colleague would not insist on his motion for letting it lie over till to-morrow; he thought it could be as well acted on to-day.

Mr. AMES observed, that it would look very awkward to let it lie over till to-morrow, as it was very unusual, if not unprecedented so to do; he thought gentlemen might make up their minds about it if laid on the table about an hour, they could in the mean time dispatch other business which would come before them.

Mr. GILES said, he had experienced extreme inconvenience from gentlemen pressing for a subject before it had been matured in the minds of members; he thought it would be extremely improper and unusual, and in its consequences disagreeable, to go into the business before gentlemen had time to reflect on it.

Mr. SITGREAVES said, that the more expeditious the House were on the answer to the President's Address, the greater the effect of it would be, he hoped, therefore, that there would be no delay. He had in recollection, a message which was received from the President, respecting the colours of the French Republic, at the last session, those very gentlemen who now wished a delay, then thought that to let the subject lie over, would lose its principal effect, although several of the members wished it to lie over, and but for one day. Surely we have as much respect for the President as we have for the French Republic. He really hoped the business would not lie over.

Mr. W. LYMAN hoped gentlemen did not look upon this answer to the President's Address as merely complimentary: He declared he took it up in a very different light, he viewed it as of the most extensive consequence; it related to the subjects recommended to the notice of the House by the President, which might relate to the alteration of the laws, and perhaps to the forming new laws; and could gentlemen have time to form their minds on such an important part of their business? He had only seen the report this morning, and hoped he should have time to consider it before it passed through the House.

The Speaker said, that the business before the House now was, whether the unfinished business should be postponed in order to make room for a committee of the whole to sit on the report of the committee on the answer.

Mr. PARKER observed that he could not say whether he approved or disapproved of the answer before the House, he had not read the report, he therefore hoped that the unfinished business would be taken up and this postponed; he thought it was too important to be hastened: He wished

gentlemen to be very careful how they committed themselves, at a juncture so critical, and on business so momentous. We had just been told by the President, that we did not stand well with the French nation; and the Senate in their answer had accorded with his observations on that subject; (Mr. PARKER was here informed that the business of the Senate ought not be introduced here,) he therefore hoped a day might be allowed to take the subject into consideration.

Mr. WILLIAMS said, he had searched and could find no precedent in the journal to encourage a delay of this business. He found that when a report was made by the committee on such an occasion, it was usual to be taken up by a committee of the whole House; and if gentlemen disagreed on the subject, it should be recommitted to the same committee who formed it, to make such alterations whereby it may meet more general approbation, or be amended by the House and passed; he hoped no new precedent would be made.

The Speaker again observed that the question was on postponing the unfinished business, to take up this report.

Mr. W. SMITH said, that if this business was delayed, it ought to be for substantial reasons: The principal reason gentlemen had urged was, that they had not had time to acquaint themselves with the answer, how then, he asked, could they make their observations on it as they had done. The committee had, he thought, drafted it in such general terms that it could not be generally disapproved; there are but two parts in which he thought there would be differences of opinion, viz. that which related to the French Republic, and that which complimented the President for his services; as to the first, he thought it so expressed as to need no delay in the answer; with respect to the latter, he hoped no gentleman would refuse to pay a due regard to the services, (the Speaker again informed the House what was the question) Mr. SMITH said, we ought not now to reflect on any thing we may judge has not been done as we could wish; could we refuse a tribute of respect to a man who had served his country so much? He thought a delay at present would have a very unpleasant appearance. He hoped we should go into this business immediately, agreeable to the former practice of the House on similar occasions. The unfinished business was yesterday postponed for want of proper information, and he thought the same reason was yet in force with respect to it. He hoped nothing would impede this business, least it should appear like a want of respect in us.

He hoped to see an unanimous vote in favour of a respectful answer to the Chief Magistrate, whose services we ought zealously to acknowledge.

Mr. GILBERT saw no reason to depart from a practice which has been usual; he therefore hoped the report might come under consideration to-day; he thought if it laid on the table an hour or an hour and an half, gentlemen could then be prepared to consider it.

The Speaker again put the House in mind of the question.

Mr. NICHOLAS said, if the business was pressed too precipitately, gentlemen may be sensible of their error when it was too late; many bad consequences might attend hastening the subject before it was well matured. He could see no reason why the business should be precipitated upon the House; a proper delay would not show any want of respect to the President, as some gentlemen think. Would it be more respectful that an answer should be sent by this House, which for want of time had not been sufficiently considered? Certainly not. Far more so will it appear that after mature deliberation the members are unanimous in their answer: I therefore think the object of respect which the gentleman from North Carolina has in view will be completely answered by the delay.

Gentlemen talk about precedent: I am ashamed to hear them; there may be no precedent on the subject: But are we always to act by precedent? There is scarcely a circumstance occurs in this House but what is different from any that was before it. The President's addresses to this House are always different; they relate to the circumstances of things that are, have been and may be; then to talk of precedents where things cannot be alike, is to trammel men down by rules which would be injurious in the issue.

The message of the President respecting the French Colours had been referred to: If gentlemen were then wrong, is that a reason why they should continue to act wrong? But this circumstance materially differs from that: that was merely an expression of sentiment which could at once be determined, but this of sentiment accompanied with deep and solemn reflection; it is so interwoven with the politics of the country as to require great circumspection. I hope gentlemen will not go into it until they are properly prepared. I wish to pay all possible respect to the Chief Magistrate, and cannot prove it better than by a sincere desire for an unanimous vote to the answer, which is only to be obtained

by proper deliberation ; and thus let him depart from his office with credit, and the enjoyment of our best wishes in his retirement.

The question for postponing the unfinished business to take up this report was then put and negatived, 43 to 31.

The motion was then made for the order of the day on the petition of Henry Hill.

Mr. D. FOSTER hoped the business would be further postponed, as the necessary information on the subject had not been obtained. It was accordingly postponed.

Mr. W. Smith again moved for the House to take up the answer to the President's Speech.

Mr. MACON said, this was taking two different measures to accomplish the same object : he thought it was not in order, therefore should oppose it.

The Speaker said, the motion was perfectly in order. The other motion was, whether the unfinished business was to be delayed to make room for the answer, which unfinished business had now been dispensed with. A motion may now be made to fix this business to a day certain, which would supersede the other motion.

Mr. NICHOLAS then moved, that this business be postponed till to-morrow.

Mr. COIT hoped it would be postponed. This committee was appointed last Thursday but had not made their report till yesterday. He found the answer on the desk this morning, but had not read it ; and though he had such confidence in the gentlemen who drew it up, as that he was now ready to vote for it, yet as many gentlemen wished to consider it, he thought they ought not to be pressed to a vote too hastily. He hoped the motion would be carried.

The motion was put and carried for a postponement.

Mr. THATCHER presented a petition from Constant Freeman, jun. who had lost all his property in Canada, prays relief from Congress. On motion it was referred to the committee of the whole on that subject.

Mr. MADDISON presented a petition from Peter Gree, who had been in the army, and received wounds which entitled him to a pension, but through his poverty and infirmity had not been able to apply while his petition could be granted. It was referred to the committee of claims.

Mr. GILLMAN, from the committee of revision and unfinished business reported on several laws that were nearly expiring.

Mr. COOPER presented a petition from John Roth respecting some unsettled accounts which had been referred to the committee of claims last session, and rejected. Also ; one from Catliff Mesther, for compensation for services rendered ; which were referred to the committee of claims.

Mr. SHERBURNE observed, that among the unfinished business of last session was a petition of Benjamin Mecombe, which he moved should be referred to a committee of the whole House ; which was agreed to, and made the order of the day for Monday next.

Mr. RUTHERFORD moved, that have leave
to withdraw his petition with the papers accompanying the same. It had been acted on at the last session but not granted. Leave was accordingly given.

Adjourned at one o'clock.

Wednesday, December 14.

A letter was received from the Secretary of the Treasury, with proposals for the laying on direct taxes, which with all the papers accompanying the same, were, on motion of Mr. MACON, ordered to be printed. The usual number printed for the use of the House is 300 but 500 of these were ordered.

Mr. GILES presented a petition from Andrew Dunston, praying the House to reconsider his claim, he having made application before this on the same claim. Referred to the committee of claims.

Mr. FREEMAN presented a resolution which had passed the Legislature of the State of Massachusetts, stating that the friendly disposition of the Indians of Martha's Vineyard, had granted a portion of land for the purpose of erecting a light house, which appears very necessary. They apply to the Legislature of the United States for that purpose. Referred to the committee of commerce and manufactures.

Mr. FREEMAN presented several petitions from owners of fishing vessels, praying for the bounty allowed to cod-fishers, which were referred to the Secretary of the Treasury.

The Speaker informed the House that the report of the committee of claims, on the petition of Henry Hill, was the order of this day, and having a priority to other business should now be taken up.

Mr. D. FOSTER observed, that on account of not being able to obtain the papers necessary to throw a proper light on the subject, he hoped the consideration of it would be postponed or re-committed. There are several of the members of the

committee not sufficiently acquainted with the business; it therefore required time before it could be acted on.

Mr. HEATH hoped that it would be recommitted to the committee of claims.

The committee of the whole was then discharged, from a farther consideration of the case, and the report was recommitted.

Mr. HEATH presented a petition from Benjamin Thomson in behalf of himself and other Canadian refugees, praying relief from the House. Referred to the committee of the whole on that subject.

Mr. W. SMITH moved for the order of the day on the petitions of Thomas Lloyd and Thomas Carpenter, whereupon the House resolved itself into a committee of the whole, Mr. Muhlenberg in the chair, when having read the report of the committee to whom it was referred,

Mr. MACON wished some gentleman who was in that committee, would be so good as inform the House what would be the probable expence, and for what reason the House should go into the business. He thought the expence was altogether unnecessary, whatever it may be.

If the debates of this House were to be printed, and four or five copies given to each member, they would employ all the mails of the United States. He also adverted to the attempt at the last session to introduce a stenographer into the House, which failed.

Mr. SMITH informed the gentleman that Mr. Lloyds estimate of the expences is, that he will supply the House with his reports at the rate of three cents per half sheet. His calculation is that he can supply the members at the expence of about 1600 dollars for the session. With respect to the gentleman's reference to last session, this was materially different from that; that motion was to make the person an officer of this House, and at an expence much greater; he thought this attempt would be of great use to the House. Regular and accurate information of the debates in the House, would be a very desirable thing, he therefore hoped the resolution would prove agreeable to the House.

Mr. WILLIAMS said, that the House need not go into unnecessary expence; the members were now furnished morning and evening with newspapers, which contained the debates; then, why should the House wish for more? if one person in particular has the sale of his debates to this House, will it not destroy the advantages any other can derive from

it. We ought to encourage an undertaking of this kind, but let us encourage any gentlemen to come here and take down the debates. Last year they were taken down very accurately, and dispersed throughout the Union.

By passing this resolution, you will destroy the use of the privilege to any other than the person favoured by this House. Why give one a privilege more than another? He observed, it had been common to give gentlemen the privilege to come into the House and take down the debates, which had been last year delivered time enough to give satisfaction to the members.

Mr. THATCHER said, he should wish for information from the committee how many persons there were to publish debates, as he understood there were several, and the members were to supply themselves from whom they pleased; he should likewise wish for information how many each member was to have to amount to the value of 1600 dollars.

Mr. W. SMITH said, there had been petitions received from only two, Thomas Lloyd and Thomas Carpenter, they intended each of them to publish the debates; there might be others, he knew not; there was no intention of giving any one a preference; gentlemen could subscribe for that they approved of most; at the calculation of Mr. Lloyd, the members would have five copies each for the 1600 dollars.

Mr. W. LYMAN said, the question was, whether the House would incur the expence of 1600 dollars to supply the members with copies or not; he thought there was no need of the expence: If the House do not think proper to furnish the members, they can supply themselves; a publication of them is going on at present and many gentlemen had subscribed to it already.

Mr. DEARBORNE did not think that 1600 dollars thus laid out would be expended to the best possible advantage. From the number of persons which we see here daily taking down debates he thought we might expect to see a good report of the occurrences in the House. There was a book going about for subscriptions, which appeared to be well encouraged, he saw many of the members' names in it. He thought that by a plan like that, the reports may be as accurately taken as we may have reason to expect if the House incurs this expence.

Mr. NICHOLAS observed, that members were now served with three newspapers, he thought to vote for this resolution on account of obtaining a more full and compleat report than

was to be had in the newspapers ; thus it would supersede the necessity of taking so many papers. He thought this plan more useful to the member, and generally of more advantage to their constituents, as they could disperse those debates where otherwise they never would be seen.

Mr. THATCHER said, if the object of the motion was to supersede the receiving of newspapers, he certainly should vote against it. He did not consider the main reason why members were served with the newspapers was that they may obtain the debates : no, he thought it more important in their stations, that they should know the occurrences of the day, from the various parts of the United States as well as from foreign nations. Though he might favour an undertaking of this kind, yet he would give preference to a newspaper if they were to have one without the other.

Mr. HEATH did not wish, that the members being furnished with debates agreeable to the motion should supersede the receiving of newspapers, yet he should vote for it. Gentlemen had said the debates were taken more correct last session than before, yet he had heard a whisper which was going from North to South, that our debates are not represented impartially. He wished the House and the people to be furnished with a true report ; such a thing would be very useful : however, he did not wish to encourage a monopoly to those two persons : no, he would wish to give an equal chance to all who choose to come and take them. Shall we repress truth ? I hope not, but disseminate it as much as possible. Last session, when I was under the act of God's providence prevented from attending the House, a member sent for a gentleman from Virginia who was to act as stenographer, with whom the House and a Printer in this city were to combine. Warm debates ensued on the propriety of the measure, and the gentleman returned home after the motion was negatived. I hope gentlemen will not grudge 1600 dollars towards the support of truth. What we see now in the newspapers is taken from the memory, and not by a stenographer. The people will thank you that you have taken means to investigate truth. If any gentleman can point out a better mode to obtain this object, I hope he will do it that it may be adopted ; till then I shall support the resolution.

Mr. SHERBURNE did not think as the gentleman last up, that the interest of the country was concerned ; the only thing they were concerned in was the payment of the money. The printing of this work did not depend on the motion of

this House, whether the House adopt it or not the book will be published. It is a matter of private interest ; a speculation in the adventurer, like other publications. The question he conceived meant only this ; should the members be supplied with these pamphlets at the expence of the public, or should they put their hands in their own pockets and pay for them individually ? He thought the House had no greater reasons to supply the members with this work than other publications ; they might as well be furnished with the works of Peter Porcupine, or the Rights of Man at the public expence.

Mr. W. SMITH said, the gentleman was mistaken with respect to the work going on, whether supported by the House or not. It was true as it respected the work proposed by Mr. Carpenter, but with respect to Mr. Lloyd, he declared he could not undertake it, except the House would subscribe for 5 copies for each member.

Mr. SWANWICK considered the question to be to this effect, whether the debates be under the sanction of the House or not. A gentleman had said, it will be a great service to the public to have a correct statement of the debates. I think the most likely way to obtain it correct is to let it rest on the footing of private industry. We have a work entitled the Senator in circulation ; I have no doubt but the publisher will find good account in the undertaking. Why should the House trouble itself to sanction any particular work ? Gentlemen would then have enough to do every morning in putting the debates to rights before they were published, as they would be pledged to the accuracy of the reports. I never heard that in the British House of Commons or Lords such a motion was ever made, nor have I ever heard of such in any other country ; then why should we give our sanction and incur a responsibility for the accuracy of it. He said he should vote against the motion, but would encourage such a work while it rested on the footing of private adventure.

Mr. THATCHER said, he differed much from the gentleman last up, as it respected the responsibility of the House on such a publication ; he thought it might as well be said that because there had been a resolution for the Clerk to furnish the members of this House with three newspapers, the House was responsible for the truth of what those newspapers contained ; if it was so, he should erase his name from his supply of them, as he thought, in general, they contained

more lies than truth. Two considerations might recommend the resolution ; it would encourage the undertaking, and also add to the stock of public information ; on either of these he would give it his assent. Soon after he came into the city, a paper was handed him with proposals for a publication of this kind (the Senator) he said he with pleasure subscribed to its support ; as to general information that was given already by newspapers, and though each member was to be supplied with five copies, yet very few would fall into hands where the newspapers did not reach. The work, he said, would go forward at any rate. If he thought the work depended on the motion, he should rejoice to give his vote toward its aid. On the question being put only 19 gentlemen voted in favour of the resolution ; it was therefore negatived.

The committee then rose. The House then took up the resolution.

Mr. THATCHER observed, the question was put while he was inattentive, he wished it to lie over till to-morrow.

Mr. GILES wished to indulge the gentleman in his desire.

Mr. THATCHER then moved for the vote of the House, whether the report of the committee of the whole be postponed. Twenty-four members only appearing for the postponement, it was negatived.

The question was then put, whether the House agreed to the report of the committee of the whole, and disagreed with the report of the select committee ; which appeared in the affirmative. The motion was therefore lost.

The House again resolved itself into a committee of the whole on the answer to the President's Address, Mr. Muhlenberg in the chair, when the answer reported by the select committee was read by the Clerk, and then in paragraphs by the Chairman, which is as follows :

S I R,

THE House of Representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject, and a sense of duty can inspire.

We are gratified by the information, that measures calculated to ensure a continuance of the friendship of the Indians, and to maintain the tranquility of the *interior* frontier, have been adopted ; and we indulge the hope that these, by impressing the Indian tribes with more correct concep-

tions of the justice, as well as power of the United States, will be attended with success.

While we notice, with satisfaction, the steps that you have taken in pursuance of the late treaties with several foreign nations, the liberation of our citizens, who were prisoners at Algiers, is a subject of peculiar felicitation. We shall cheerfully co-operate in any further measures that shall appear, on consideration, to be requisite.

We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate, and it is, of course, with anxiety and deep regret we hear that any interruption of our harmony with the French Republic has occurred: for we feel with you and with our constituents, the cordial and unabated wish to maintain a perfectly friendly understanding with that nation. Your endeavours to fulfil that wish, [*and by all honorable means to preserve peace and to restore that harmony and affection which have heretofore so happily subsisted between the French Republic and the United States*] cannot fail therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect and fortitude of our countrymen, we cherish the pleasing hope, that a *mutual* spirit of justice and moderation *on the part of the Republic* will ensure the success of your perseverance.

The various subjects of your communication will, respectively, meet with the attention that is due to their importance.

When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the tranquil prosperity of the citizens with the period immediately antecedent to the operation of the government, and to contrast it with the calamities in which the state of war still involves several of the European nations, as the reflections deduced from both tend to justify as well as to excite, a warmer admiration of our free constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God for the beneficence of his providence, by which its administration has been hitherto so remarkably distinguished.

And while we entertain a grateful conviction that your wise, firm and patriotic administration has been signally conducive to the success of the present form of government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

As no other suitable occasion may occur, we cannot suffer the present to pass without attempting to disclose some of the emotions which it cannot fail to awaken.

The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted reluctantly, a second time, the retreat you had chosen, and first accepted the Presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the patriotism and success which have characterized your administration. As the grateful confidence of the citizens in the virtues of their Chief Magistrate, has essentially contributed to that success, we persuade ourselves that the millions whom we represent, participate with us in the anxious solicitude of the present occasion.

Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind, than valuable to a Republic.

Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success and public estimation; yet we conceive we owe it to you, Sir, and still more emphatically to ourselves and to our nation; (of the language of whose hearts we presume to think ourselves at this moment the faithful interpreters) to express the sentiments with which it is contemplated.

The spectacle of a whole nation, the freest and most enlightened in the world, offering by its representatives the tribute of unfeigned approbation to its first citizen, however, novel and interesting it may be, derives all its lustre, (a lustre which accident or enthusiasm could not bestow, and which adulation would tarnish) from the transcendent merit of which it is the voluntary testimony.

May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear: May your own virtues and a nation's prayers obtain the happiest sunshine for the decline of your days and the choicest of future blessings. For your country's sake, for the sake of republican liberty, it is our earnest wish that your example may be the guide of your successors, and thus, after being the orna-

ment and safeguard of the present age, become the patrimony of our descendants.

Mr. VENABLE observed on a paragraph wherein it speaks of the "tranquility of the interior frontier." He did not understand what was the meaning of the expression, he moved to insert Western frontier in its stead.

Mr. AMES observed that the words of the report is in the President's speech; however, he thought the amendment a good one. It then passed.

In the fourth paragraph are these words, "Your endeavours to fulfil that wish cannot fail therefore to interest our attention." At the word "wish" Mr. Giles proposed to insert those words; "and by all honourable means to preserve peace, and restore that harmony and affection, which have heretofore so happily subsisted between the French Republic and this country." And strike out the words that follow "wish" in that paragraph. He said his reasons for moving this amendment was to avoid its consequences. He really wished the report entirely recommitted, as there were many objectionable parts in it. He had been very seriously impressed with the consequences that would result from a war with the French Republic. When I reflect on the calamities of war in general, I shudder at the thought; but to conceive of the danger of a French war in particular, it cuts me still closer. When I think what many gentlemen in mercantile situations now feel and the dreadful stop put to commerce. I feel the most sincere desire to cultivate harmony and good understanding; I see redoubled motives to show the world that we are in favour of a preservation of peace and harmony.

Mr. W. SMITH said, he should not object to the amendment; but he thought it only an amplification of a sentiment just before expressed; he did not see any advantage in the sentiment as dilated, nor could he see any injury which could accrue from it. He hoped every gentleman in the House wished as sincerely for the preservation of peace, as that gentleman did.

Mr. AMES wished to know of the gentleman from Virginia, whether he meant to strike out the latter part of this paragraph; if he did he must object to it.

Mr. GILES said, he did not mean to strike out any more in this paragraph.

Mr. AMES wished it not to be struck out. By the amendment to strike out we show a dependance we place on the

power and protection of the French : while we declare ourselves weak by the act, we lose the recourse to our own patriotism, and fly, acknowledging an offence never committed, to the French for peace. He hoped the gentleman would be candid upon this occasion.

Mr. GILES said, he only wished that this House express their most sincere and unequivocal desire in favour of peace, and not merely to leave it to the President. He said he had spoke upon this occasion as he always had done on this floor. He always had, and he hoped always should state his opinions upon every subject with plainness and candour.

The amendment passed unanimously.

Mr. GILES then proposed an amendment to the latter part of the same paragraph, which would make it read thus, " We cherish the pleasing hope, that a spirit of *mutual* justice and moderation will ensure the success of your perseverance." The amendment was to insert the word *mutual*. He thought we ought to display a spirit of justice and moderation as well as the French. This amendment, he thought, would soften the expression, and acting with that spirit of justice and moderation, accomplish a reconciliation. The amendment was adopted.

On the Chairman's reading the last paragraph except one in the report, which reads thus, " The spectacle of a whole nation, the *freest and most enlightened in the world*," Mr. PARKER moved to strike out the words *Italic*. Although said he, I wish to believe that we are the freest people, and the most enlightened people in the world, it is enough that we think ourselves so, it is not becoming us to make the declaration to the world : and if we are not so, it is still worse for us to suppose ourselves what we are not.

Mr. HARPER said, he had a motion of amendment in his hand which would supersede the necessity of the last made, which, if in order, he would propose ; it was to insert words more simple ; he thought the more simple, the more agreeable to the public ear : his amendment, he thought, would add to the elegance and conciseness of the expression. He did not disapprove of the address as it now stood, but he thought it might be amended ; this, he said, would add to the dignity while to the simplicity of the expression. He thought it would be improper to give too much scope to feeling ; amplitude of expression frequently weakens an idea.

Mr. GILES said, he saw many objectionable parts in the amendments proposed by the gentleman just sat down. He

wished to strike out two paragraphs more than Mr. Harper had proposed ; indeed, he wished the whole to be recommit-
 ted, that it might be formed more congenial to the wishes
 of the House in general, and not less agreeable to the person
 to be addressed.

Mr. SMITH observed, that as the answer had been read
 by paragraphs nearly to the close, he thought it very much
 out of order to return to parts so distant.

The Chairman said, that no paragraph on which an a-
 mendment had been made could be returned to, but where
 no amendment had been made, it was quite consistent with
 order to propose any one gentlemen may think proper.

Mr. HARPER thought, the maxim recommended in private
 life might be very applicable to us at this time ; which is,
 never to leave till to-morrow what can be as well done to day.
 He was quite opposed to a recommitment, and his reason
 was, that the House at this time is quite competent to adopt
 all the necessary amendments. In cases of law, when evi-
 dences are to be collected in order to prove facts, it may
 sometimes be proper to delay ; but here is no such thing ;
 the committee of the whole can as well amend it as a select
 committee ; surely it may be made more complete by a large
 number than by a small : we have every means of informa-
 tion, and full power to do it now, and a delay is quite un-
 necessary. There are no points now unknown to the House ;
 we are in possession of a complete knowledge of the whole,
 and can now form our minds on it ; it is simple matter on
 which we can soon decide. I hope we shall speedily conclude
 on a subject of this nature, an answer to the President, which
 can as well be done now as a month hence.

Mr. W. SMITH opposed striking out any paragraph. It
 was, he said, the last occasion we should have to address that
 great man, who had done so much service to his country ;
 the warmth of expression in the answer was only an evi-
 dence of the gratitude of this House for that character.
 When we reflect on the glowing language used at the time
 when he accepted the office of President, and at his re-elec-
 tion to that office, why, asked he, ought not the language
 of this House to be as full of respect and gratitude now as
 then ? particularly when we consider the addresses now flow-
 ing in from all parts of the country. I object to the manner
 of gentlemen's amendments as proposed, to strike out all in
 a mass. If the sentiments were agreeable to the minds of
 the House, why waste our time to alter meer expressions

while the sentiment is preserved? No doubt every gentleman's manner of expression differed, while their general ideas might be the same. He hoped meer form of expression would not cause its re-committment.

Mr. GILES did not object to a respectful and complimentary address being sent to the President, yet he thought we ought not to carry our expressions out of the bounds of moderation; he hoped we should adhere to truth. He objected to some of the expressions in those paragraphs, for which reason, he moved to have the paragraphs struck out, in order to be amended by the committee. He wished to act as respectful to the President as any gentleman, but he observed many parts in his address which was objectionable. It is unnatural and unbecoming in us to exult in our superior happiness, light, or wisdom. It is not at all necessary that we should exult in our advantages, and thus reflect on the unhappy situation of nations in their troubles; it is insulting to them. If we are thus happy it is well for us; it is necessary that we should enjoy our happiness, but not boast of it to all the world and insult their unhappy situations.

As to those parts of the address which speak of the wisdom and firmness of the President, he must object to them. On reflection he could see a want of wisdom and firmness in the administration for the last six years. I may be singular in my Ideas, said he, but I believe our administration has been neither wise nor firm. I believe, sir, a want of wisdom and firmness has brought this country into the present alarming situation. If after such a view of the administration, I was to come into this House and shew the contrary by a quiet acquiescence, gentlemen would think me a very inconsistent character. If we take a view of our foreign relations we shall see no reason to exult in the wisdom or firmness of our administration. He thought nothing so much as a want of that wisdom and firmness had brought us to the critical situation in which we now stand.

If it had been the will of gentlemen to have been satisfied with placing the President in the highest possible point of respect amongst men, the vote of the House would have been unanimous, but the proposal of such adulation could never expect success. If we take a view into our internal situation, and behold the ruined state of public and private credit, less now than perhaps at any former period; however, he never could recollect it so deranged. If we survey this city, what a shameful scene it alone exhibits, owing,

as he supposed, to the immense quantity of paper issued. Surely this could afford no ground for admiration of the administration that caused it.

I must acknowledge, said Mr. Giles, that I am one of those who do not think so much of the President as some others do. When the President retires from his present station, I wish him to enjoy all possible happiness. I wish him to retire, and that this was the moment of his retirement. He thought the government of the United States could go on very well without him, and he thought he would enjoy more happiness in his retirement than he possibly could in his present situation. What calamities would attend the United States, and how short the duration of its Independence, if one man alone can be found to fill that capacity. He thought there were thousands of citizens in the United States able to fill that high office, and he doubted not but many may be found whose talents would enable them to fill it with credit and advantage. Although much had been said, and that by many people about his intended retirement, yet he must acknowledge he felt no uncomfortable sensations about it; he must express his own feelings, he was perfectly easy in prospect of the event. He wished the President as much happiness as any man. He declared he did not regret his retreat; he wished him quietly at his seat at Mount Vernon; he thought he would enjoy more happiness there than in public life. It will be very extraordinary if gentlemen, whose names in the years and days are found in opposition to certain prominent measures of administration, should come forward and approve those measures; this we could not expect. He retained an opinion he had always seen reason to support, and no influence under Heaven should prevent him expressing his established sentiments, and he thought the same opinions would soon meet general concurrence. He hoped gentlemen would compliment the President privately as individuals; at the same time he hoped such adulation would never pervade that House.

I must make some observation, said he, on the last paragraph but one, where we call ourselves "the freest and most enlightened nation in the world;" indeed, the whole of that paragraph is objectionable, I disapprove the whole of it. If I am free, if I am happy, if I am enlightened more than others, I wish not to proclaim it on the house top: if we are free it is not prudent to declare it; if enlightened, it is not our duty in this House to trumpet it to the world; it is no legislative

concern. If gentlemen will examine the paragraph (referring to that contained in the parenthesis) it seems to prove that the gentleman who drew it up was going into the field of adulation; which would tarnish a private character. I do think this kind of affection, the President gains nothing from. The many long addresses we hear of, add nothing to the lustre of his character. In the honour we may attempt to give to others, we may hurt ourselves. This may prove a self-destroyer, by relying too much on administration, we may rely too little on our own strength.

Another expression I would notice is in the last paragraph, wherein it says, "that your example may be the guide of your successors." I think it time enough to speak of the successor of the President when he arrives; whoever he may be, there is no doubt but he will do his duty to the best of his ability.

These sentiments seemed to be so mixed, that I could not separate them. I submit them to the committee, and declare my desire that the whole of the report may be re-committed.

MR. HARPER thought it would be strictly in order to move a division of the question on this motion; the paragraph which he had the honour of moving to this House instead of the seventh paragraph, was wholly personal to the President; the other immediately preceeding this which the gentleman last up included, related wholly to the country, it contained objects of great importance, and as the two so materially differ from each other, many gentlemen might wish to retain one, and strike the other out. The first question would naturally be on the first of the two. "When we advert, &c. He hoped this paragraph would not be struck out, this related altogether to the situation, to the happiness of the country and its prosperity, and relates to the influence our happy constitution has had towards producing and preserving that state of enjoyment; could this be denied? Is there any man here, he would ask, who can deny that we are in a prosperous state, and that it is heightened by our present constitution? I must assert that our prosperity is produced through the instrumentality of the wise system adopted. There may be degrees of prosperity, and different opinions on the subject. Some might think that the trifling derangements which have of late taken place in the commercial world are evidences of our want of prosperity. I think not. Some think such things are no proofs of a countries decline. Though the gentleman from Virginia has attributed the late failures in this city to the too

great emission of paper money by government, he must beg leave to differ from him; he thought it no proof of the want of prosperity. Will any man pretend to say that we are not free? That we are not happy? That our trade is less flourishing than formerly? That our agriculture was not increasing? or that our laws were less obeyed than usual? No, he thought none could deny this. And will any, can any say, that our present form of government has not had an influence in producing this flourishing state of our affairs? Will any say, that had not such a form of government been established, or a similar one, we should have been so free, so happy? He thought not. When we take a view of our situation before the existence of the present form of government with respect to agriculture, trade and commerce, and brought the comparison up to the present time, then he was persuaded gentlemen would acknowledge, that we enjoyed a state of prosperity, and if we enjoyed it, wherein was the harm to declare it. We are in a very great degree prosperous, and that is in a very great degree owing to the present established government.

The measures which this gentleman would wish to adopt might produce a system more happy. However, he did not think it would. That already adopted has been productive of great national happiness. We feel freedom exist, whence do we suppose it proceeds, but from the measures of government? If this be the case, gentlemen must allow that in the words of the paragraph proposed to be struck out, there is not that impropriety imagined. If they concur with me in all those sentiments, and which of them will say he does not concur in them, where is the propriety to refuse the clause in the address? I hope, says he, they will say with me, that the clause should stand, as containing an acknowledgement of our superior situation to the government where it is due. He hoped the question would be divided.

Mr. NICHOLAS said it could not be divided. The gentleman last up must be mistaken to suppose so. The member may vote against the proposition of Mr. Giles, but either all must go, or none according to the motion. Some conversation here ensued between Mr. W. Smith, Mr. Giles, and the chairman, about a point of order in striking it out.

Mr. GILES then said gentlemen might refuse to strike out the whole, and then move to strike out a part, and so attain their object. But, said he, admitting the paragraph to be founded on truth, were they, as legislators to speak it in the

face of the world? It is a matter of doubt; but suppose it true, what have we to do with it here? Suppose an individual was to go into his neighbours house, and say to him I am very rich, and you are poor; I am very happy and you are miserable. Would not his neighbour think it meant to insult him? Would it not degrade the poor man's misery? This conduct would surely be indelicate. And if indelicate and inconsistent as an individual, let us take every means to avoid this conduct as a nation.

Mr. SITGREAVES said, that whatever division of the question gentlemen would propose, was indifferent to him; the words of the answer were perfectly congenial with his wishes, and he was prepared to give his opposition to any of the amendments proposed. On mature deliberation there was not a sentiment in the report, but he highly approved. He could not see any thing unnatural or unbecoming in drawing just comparisons of our situation with that of our neighbours, this is the only way we can form a just view of our own happiness. It is a very necessary way to come to a right knowledge of our own situation by comparing it with that of other nations. He would not reproach another people because they are not so happy as we are. But he thought drawing simple comparisons in the way of the report was no reproach. He was not against bringing the comparison down to private life, as the gentleman from Virginia had done; he should think it wrong in a man to exult over his neighbour who was distressed or ignorant, because himself was wealthy or wise. Yet he saw no impropriety in his own family of speaking of their happiness and advantages, compared with that of others; it would awaken in them a grateful sense of their superior enjoyments, while it painted out the faults and follies of others only in order that those he had the care of may learn to avoid them: thus while our happiness is pointed out, the miseries of nations involved in distress are delineated to serve as beacons for the United States to steer clear of. He did not, with the gentleman from Virginia, in any degree, doubt of the wisdom or firmness of the administration of America. In the language of the address he entertained a very high opinion of it, "a grateful conviction that the wise, firm and patriotic administration of the President had been signally conducive to the success of the present form of government." Such language as this is the only reward which can be given by a grateful people, for labours so eminently useful as those of the President had been. This was

not his sentiment merely, it was the sentiment of the people of America. Every public body were conveying their sentiments of gratitude throughout the whole extent of the Union. Why then should this House affect a singularity, when our silence on these points would only convey reproach instead of respect. If these sentiments were true, why not express them? But if, on the contrary, what the gentleman asserted, that the administration of the President had been neither wise, firm, nor patriotic, then he would concur with the motion for striking out; but he was not convinced of the truth of this assertion, and while this is not proved, he should vote against the motion.

It has been said, sir, that the disagreeable circumstances which have lately occurred between this country and France is owing to a want of judgment in our administration; his opinion, he said was directly the contrary. He had occasion on a recent circumstance at the last session to express his opinion, it was the opinion of the House, and he thought it had not changed since that time. He saw no reason why the state of private credit should influence the deliberations of that House. He thought it not at all imputable to the administration, nor should it be mentioned to tarnish the lustre of our state of prosperity; it is no more than a speck in the sun. It should not be mentioned to prevent our expressions of the obligations which we owe to the President for his services. As well might the late dreadful fires at Savannah and New York be imputable to a want of wisdom in the administration. Why are we not told of them as well as the derangements among a few merchants? Such trivial matters were not to be spoken of in a national view. If that gentleman (Mr. Giles) does not regret the President's retreat from office I do; and I believe America does: and this regret is not improper nor undignified.

That gentleman has said there are many others in America capable of filling the office. It may be so; there doubtless are; I do not wish to draw a comparison between the President and others. But does it follow thence that we should not regret losing a faithful public servant? We should regret him on account of his attachment to our constitution—on account of the tried confidence universally placed in him. Confidence in the officers of government under every form is necessary, and most particularly so in a Republican form; it is the vital principal whereby it is kept in existence, the chief source of its energy. We could not ex-

pect that so great a portion of public confidence would be laid on his successor, although he may be a man of equal integrity.

Mr. SITGREAVES said, he could not agree with the motion of the gentleman from S. Carolina (Mr. Harper) because his motion was for substituting other words in the place of those in the report, without any reason whatever. If the gentleman by altering the phraseology can make the sentiment any better, by all means let it be done : but if the sentiment is not to be changed, why alter it merely to substitute other words ? On the whole Mr. S. observed that he did not see the answer could in any degree be reproached. There are no sentiments in it but what are justifiable on the ground of truth ; they are free from adulation. It is such an expression of national regret and gratitude as the circumstance calls for : a regret at the retirement of a faithful and confident Chief Magistrate from office. A regret and gratitude which he believed to be the sentiment of Americans.

Mr. SWANWICK began by observing that there were points in the address in which all gentlemen seemed to agree, while on other parts they cannot agree. We all agree in our desire to pay the President every possible mark of respect ; but we very materially disagree wherein a comparison is drawn between this and foreign nations. If we are happy and other nations are not so, it is well for us ; but he thought it would be much more prudent in us to let other nations discover it, and not make a boast of it ourselves. It is very likely that those nations whom we commiserate may think themselves as happy as we are ; they may feel offended to hear of our comparisons. If we refer to the British Chancellor of Exchequer in his speeches, he would tell us that is the happiest and most prosperous nation upon earth. How then can we commiserate with it as an unfortunate country ? If again we look to France, that country which we have pointed out as full of wretchedness and distress ; yet we hear them boast of their superiority of light and freedom, and we have reason to believe not without foundation. A gentleman had talked about the flourishing state of our agriculture, and asserted that our late commercial calamities were not proofs of our want of prosperity, which the gentleman compared to specks in the sun. That gentleman talks as though he lived at a distance. Has he heard of no commercial distresses, when violations so unprecedented have of late occurred ? One merchant has to look for his property at Ha-

lifax, another at Bermuda, another at Cape Francoise, another at Gonaives, &c. all agree that they have suffered, and that by the war. These are distressed gentlemen would not like to feel themselves. Mr. Swanwick said he had felt from these occurrences. We are not exempt from troubles; probably we may have suffered as much as other nations who are involved in the war. It is a question whether France has been distressed at all by the war. She has collected gold and silver in immense quantities by her conquests, together with the most valuable stores of the production of the arts; as statues, paintings and manuscripts of inestimable worth; and at sea has taken far more in value than she has lost; besides, her armies are subsisting on the requisitions her victories obtain. And has England gained nothing by the war? If we hearken to Mr. Pitt we may believe they are very great gainers. Surely the Islands in the West and East Indies, Ceylon, and the Cape of Good Hope, the key to the East Indies, are advantages gained; besides the quantity of shipping taken from our merchants. Mr. S. thought, if we were to compare we should find those nations had gained by the war while we had lost, and of course there was no reason for us to boast of our advantages.

When we send a ship to sea, we cannot possibly know at what port it will arrive; so uncertain is our trade; in consequence of which the rates of insurance are doubled. Our funds are rather on the decline. Agriculture it is true is in a prosperous state. However, he thought the present, of all others, was not the time to draw comparisons. What is the probable effect of this kind of conduct; if we are happy and make a boast of it, it will be sure to beget envy. Nobody is envious of the fortune of the poor, while every one envies the rich. Shall we invite new depredations upon our commerce by such representations of our prosperity? It is a kind of indirect hostility to vaunt of our happiness, comparing it to nations in adversity; such language ill becomes this address. There is great indication of hostility; let us not add to the danger. We might express pleasure at our own situation of affairs without depreciating the prosperity of other nations. The gentleman from Virginia, has said, we are the freest and most enlightened nation in the world. Surely this will only have an effect to create rivals and enemies; it will do us no good. I sincerely wish it to be re-committed that it might be made more agreeable to the will of the House. He said he was sensible that all the

House wished to express might be put in the address, without drawing a comparison between this country and foreign nations: We had enough to do with them already without taking more. Happy for us, said he, if we can keep up peace with them. We are every day suffering in our commerce, and in the impressing of our seamen. (He here referred particularly to the cruel treatment of Capt. Jessup, who suffered most severely from the discipline of an English man of war, although Captain of an American vessel.) If we have suffered those calamities it is through a want of power to repress it. The unprotected state of our seamen and shipping, he said, demanded attention. The providing a Navy to support our rights was recommended by the President in his Speech. Many parts of that Address indicated the state of our affairs were not in that prosperous situation which had been represented. Let us then, said he, improve our own situation as much as possible, but avoid reflecting on other nations.

Mr. W. SMITH next rose, and observed that gentlemen wished to compliment the President, but took away every point on which encomium could be grounded. One denies the prosperity of the country, another the free and enlightened state of the country, and another refuses the President the epithet of wise and patriotic.

Mr. GILES here rose to explain, he said, if he was meant, he must think the gentleman was wrong in his application. He said he had never harboured a suspicion of the good intentions of the President, nor did he deny his patriotism; but the wisdom and firmness of his administration he had doubted. He thought him a good meaning man, but often misled.

Mr. SMITH again rose, and said, he must confess himself at a loss for that refinement to discover between the wisdom and patriotism of the President, and that of his administration. It was moved to strike out this acknowledgement of wisdom and firmness. What were we to substitute as complimentary to him in its place? The first paragraph proposed to be struck out related to our speaking of the tranquility of this country, compared to nations involved in war. Could this give offence, because we feel pleasure in being at peace? It was only congratulating our own constituents on the happiness we enjoy. To appreciate the value of peace it was necessary to compare it with a state of war. It was the wisdom of this country to keep from war, and other nations hold it up as exemplary in us. The gentleman himself has declared

his wish for the preservation of peace ; and though he admires it, and nations admire it in us, yet we are not to compare our state with nations involved in the calamities of war, in order to estimate our enjoyments. The words of this address are not a communication to a foreign minister ; it is a congratulation to our own Chief Magistrate of the blessings he, in common with us, enjoys. My. S. hoped the words would not be struck out.

The gentleman has said that the President had not been either wise or firm as it respected our foreign relations. Will the gentleman point out one of the acts wherein the President has failed in this respect ; let him put his finger on one place and say, here is an instance where he has failed in wisdom, in firmness.

With respect to what the gentleman refers to, when he says the want of wisdom and firmness in the President has brought us into this situation with France, Mr. S. would observe, that the note of the French minister does not relate to the Executive, but to the legislative part of our government, there is no act of the President on the subject of a complaint of the French minister, but what has been also the action of the Congress. How then can gentlemen cast the whole blame on him, when every act was sanctioned by Congress ? If there was any blame, it fell on the Congress. Mr. S. made mention of the act respecting prizes, which act he said passed with very little opposition in this House. Another was the proclamation of neutrality, of which we had at that time a general approbation from North to South by the addresses sent. This is what Mr. Adet called "the insidious act." It was as much the act of Congress as of the President. He hoped the influence of foreign ministers would never separate the President from the other branches of government, or the government from the people.

If we are to please some gentlemen, we must not say we are in prosperity ; we must not draw a comparison with other nations. The gentleman from Pennsylvania (Mr. Swanwick) says, France and England say they are happy and prosperous : If those nations say they are prosperous, they surely cannot be offended at our calling ourselves so, as that gentleman supposes ; at most they will only laugh at our folly for our comparison.

He said, he was very much surprised, and at a loss to know how the gentleman had changed his opinion so much since the last session ; when the British treaty was be-

fore them, he spoke much on the happiness of this country; he mentioned the great increase of commerce and manufactures which had taken place; he said they had outgrown themselves as a boy outgrows his clothes; but that gentleman will not now allow the prosperity of the country to be mentioned. With respect to that part of the Address which mentions our being a free and enlightened people; that had been objected to. He wished to enquire of gentlemen, what nation was so free or enlightened as ours; he wished them to specify one.

In my review of all that I have read, said he, I know of none that enjoy so much civil and religious freedom as America, or is so enlightened, especially in the affairs of government. Is there any nation on the earth, all things considered, that any gentleman would be willing to exchange for this? He presumed not.

The gentleman from Virginia (Mr. Giles) says he shall not regret the President's retirement from public life; observing that there are many who would fill his place with equal merit. But he would ask where is the man who enjoys so great a portion of public confidence? where is the man who could pilot this vessel of state through, amidst the storms and quicksands which this ship has experienced, without a wreck? We may here take a view, said he, of the insidious attempts of a foreign minister (Genet) to involve this country in a war; and of the western insurrection. Was it not to be regretted that such an useful man should retire from his public station? it has been said there is too much adulation in the report; truth, Sir, said Mr. Smith, cannot be adulation. Let any one point to a place in the Address, and say there is no truth in this? No, Sir, it is not adulation, it is justice, it is gratitude; it is only a recital of facts. We never can enough express our grateful obligations to a man who has done so much for us. Let us advert to the time of the President's coming into office, and to his re-election; study the Address that was then presented to him. Had he deserved a forfeiture of the respect then shewn to him? Were we to strike out the words in the motion, it would be said that we were not only withholding our praise, but it must be construed into a reproach. If we were to strike out these expressions of gratitude, and some cold, dry compliments be substituted in their place, it would with good reason be judged by some, that he truly did want wisdom; that he had not been conducive to the prosperity of this country, and that he had destroyed public and private

credit, and caused other mischiefs which were represented to exist.

When this great man was going to retire for ever from public to private life, it would be expected that in the answer we send to his Address, we should express the strongest sentiments of love and gratitude to him for his eminent services to his country. Every State Legislature which has met since he signified his intention to retire, have sent their expressions of approbation and gratitude to him. Why should we alone be silent? Why send him into the shades of retirement with daggers in his heart? such a mutilated answer as the one proposed would disgrace him in his retirement.

Gentlemen are opposed to the wish that he might be a guide to his successors; but said Mr. Smith, I pray God, whoever he may be he may follow the example, and tread in the steps of the man whose administration I admire. I think, said he, there is nothing in the Address but is consistent with a due respect to his character, and taking the whole no way liable to the objections made. He therefore hoped no alteration whatever would be made.

Mr. DAYTON (the Speaker) said, that he did not rise to accept the challenge given by the gentleman who spoke last from South Carolina, and to point out a nation more free and enlightened than ours, nor did he mean to contest the fact of ours being the freest and most enlightened in the world as declared in the reported address, but he was nevertheless of opinion that it did not become them to make that declaration, and thus to extol themselves by a comparison with, and at the expence of all others. Although those words were in his view objectionable, he was far from assenting to the motion for striking out the seven or eight last clauses of the Address. The question of order having been decided, Mr. Dayton said he would remind the committee that if they wished to retain or even to amend any section or sentence of all that was proposed to be struck out, they ought to give their negative to this motion, as the only means of accomplishing their purpose. It was sufficient therefore for those who were opposed to the question for striking out the whole, to shew that any part included within it ought to be preserved. Not unnecessarily to waste time by lengthening the debate he would take the clause first in order, and confine his remarks to that alone. This part of the Address had certainly not been read or had been misunderstood and misrepresented by the member for Pennsylvania. Did it, Mr. D. asked

draw a comparison, as had been suggested by that gentleman, between the relatively happy state of the country in the present and the year immediately preceding? Did it go further than to say that the situation of the United States was more prosperous at this period, than at that which immediately preceded the operation of the present government? certainly it did not; and were proofs necessary to substantiate this fact, or arguments wanted to enforce it? The state of this country under this government was, he said, that of order and union; their situation at the period alluded to was a melancholy scene of disunion and dissolution. This happy change was ascribed and justly ascribed in the report to our free and excellent form of government, and the interposition of an over-ruling Providence in our national affairs, neither of which he trusted a majority of that House would be prepared to deny or dispute. He could not discern the least possibility of giving offence to other nations in contrasting the blessings derived to this country from a state of peace with the calamity in which a state of war involves those who are so unhappy as to be engaged in it. The expressions were such as could not be construed either to impeach, or indeed to have any allusion to, the forms of government under which they lived. If those forms were such as best suited the disposition and circumstances of those who had adopted them, and were best calculated to render them happy, surely it must be admitted that war was not less a calamity even to those the most favourably circumstanced in that respect, and it could not therefore be considered a reflection upon them to call it so, nor to deprecate such a state of things, or to contrast it with that of peace which this country was so happy as to enjoy. He had hoped, he said, that the mover upon reviewing this clause would have excluded it from his motion, but, as he did not think proper to do so, Mr. Dayton could say with great confidence that a majority of the House could not be found to rise for striking out a proposition which embraced the acknowledgement of a state of good government as preferable to disunion and anarchy; and a state of war as preferable to that of peace, and contained expressions of gratitude to Providence for an overruling care, signally manifested in our affairs.

Mr. AMES said, if gentlemen meant to agree to strike out the whole as proposed, in order to adopt those words substituted by the gentleman from S. Carolina (Mr. Harper) he must observe that he thought that would be as far from giving satisfaction to others, who it appeared wanted no sub-

stitute ; he therefore hoped that kind of influence would not prevail on this occasion. The gentleman who made the motion did it to accomodate matters, and not because he himself objected to the answer reported.

It is well known that a committee of five members, opposite in sentiment, was appointed to prepare a respectful address in answer to the President's Speech. (Here the original instructions were read.) As it was the duty of the committee to prepare a respectful address, it cannot be matter of surprize, although it may of disapprobation with some, that the committee did their duty, and have taken notice of the several matters recommended to the House in that Speech. Respecting the particular notice they have taken it might have been thought that some difficulty would occur. He said he need not observe that the committee had reason to imagine that the form of the report would be agreeable to the House, as they were unanimous ; although there had been in the wording some little difference of opinion, yet all agreed substantially in the address, from a conviction of the delicacy of the subject. For that reason, if that only, unless the sentiments in the report of the address should be found inconsistent with truth, he hoped no substitute of a form of words merely would prevail, as it would no longer be that agreed to in the committee, nor could come under their consideration equal to the printed report. He therefore trusted that when the committee came to the question, whether to strike out or not, gentlemen would be guided by no other motive to vote for striking out, than an impropriety in the sentiments through an evident want of truth in them ; and if such cannot be discovered, why strike out the expressions ?

He said he had no disposition to go into the discussion, nor indeed was he prepared so to do, for from the unanimity of sentiment which prevailed in the committee ; he did not expect it would meet such opposition. When he heard gentlemen come here and doubt the truth of the sentiment contained in the first paragraph in question, he chose to make application to facts, to facts which appeared obvious. If there was one voice in America on any subject, it is a declaration of confidence in our constitution ; it was a well-founded sentiment that the happiness of our present state, and the peace we enjoyed, was owing in a great measure to the wisdom and patriotism of the President. These were facts which could be proved, and which were established, without vouching documents ; if it is necessary to produce instances

to prove this, I seek it, said Mr. Ames, in every man's heart, except the gentleman from Virginia. He appealed to every gentleman; who did not regret the retirement of the President? He thought there was a propriety in making a declaration of this kind, though he meant not to indulge himself in exhibiting by detail. It had been said that we should not compare the flourishing state of this country with the distressed state of European nations; or the state of this country with its situation prior to the existence of the present constitution. If he mistook not, this was the case. He appealed to good sense whether a doctrine of this kind was not extravagant. Was it not natural, he asked, for man to dwell with delight on his own enjoyments? For a man, in prosperous circumstances, to increase his own happiness, by drawing comparison with a man not so? The man who did not this, left one half of his harvest unreaped. But here we are not merely making the declaration of our preference of situation to other nations, but we are making our acknowledgement to the beneficent hand of God, who has thus distinguished us; he wished not to controul the consciences of gentlemen, but he thought it both natural and becoming. A just sense of our obligations to this power, and a grateful acknowledgement is the most proper employment of the mind. And how can a proper estimation of those favours be known, but by drawing comparisons with others in dissimilar situations. Suppose a ship experiences a wreck, and some of the crew are lost; ought not the man who has escaped with his life be thankful, that while his companions perished, he was saved? If, in the dreadful catastrophe of fire, its raging flames are stopped at my next neighbours house, have I not reason to thank God for stopping it short of my house? What man can be thankful enough at having escaped. He thought it not more unbecoming to introduce such expressions of gratitude in this way, than for a clergyman to introduce them in his daily prayers.

It has been said, that to contrast our state with that of nations at war, would give them offence; but I think it very becoming in us to exult and be thankful too for our state of peace.

If that objection be real, it might be easily obviated by adding "*unhappily*" after the word "war." It would be improper to exult over the misfortunes of others. By introducing this word, it will shew that we deplore their troubles; he thought when calamities did exist in the world, it cannot be wrong that we rejoice because they are not our own.

It had been observed by some gentleman, that the cry of foreign influence is in the country. He did not see such a thing exist. He would not be rudely explicit as to the foundation there was for such a cry ; but when it was once raised, the people would judge whether it was fact or not. He could not tell how this influence was produced, but the world would draw a view how far we were under foreign influence. Mr. A. here alluded to the influence which foreign agents wished to have over the minds of the people of this country in order to support a factious spirit, probably to the appeal lately made to the people. He also alluded to a circumstance when the Imperial Envoy, M. Palm, in 1727 at London, published a rescript, complaining of the conduct of that Court ; the spirit of the nation rose, and discord was sown. In consequence of which the Parliament petitioned the King to send the Envoy out of the country, for meddling with the concerns of their nation. That is the nation which we call corrupted. Yet a similar affair has occurred here, and it is not to be reprobated ; we are not to complain of it, nor even hear it, according to this doctrine. Independence is afraid of injuries, and almost of insults. We must forbear to exult in our peace, our light, our freedom, lest we should give offence to other nations who are not so. This may be the high tone of Independence in the views of some people ; but said he, I must confess it is not so in mine ; but it is probable those people may be wiser than I am, and their views extend farther. Foreign influence exists, and is disgraceful indeed, when we dare not admire our own constitution, nor adore God for giving us to feel its happy effects. He thought, respecting the recent complaints of the French minister, that there was not even a pretext for the accusation.

Mr. A. next referred to that part of the President's Address, wherein he says, "standing for the last time &c." congratulating us that the experiment of this form of government had so well succeeded. The committee was charged to draw up a respectful Address to the President. It is an appeal to our constituents whether our labour has failed or not. The paragraph objected to was an appeal to facts. If he had entertained the ideas of some gentlemen in that House, who denied the prosperity of the country, reprobated our neutrality, thought our measures tending to despotism, and viewed the Executive as wanting in wisdom and firmness, that our present measures originated in corruption, and that our recent failure sprung from too great emissions of pa-

per money ; if this was true, he should think a Republican constitution a chimera in its nature, and a curse in practice. But, said Mr. A. I entertain no such ideas ; I think this constitution has succeeded remarkably well, this is also the language of our constituents ; and if true, whatever foreign nations may think or say (for he did not much care what they did) it was very right in us to make the declaration. And if the moment was come when the strength of our government was to be tried ; if we are on the eve of a war with France, as the gentleman from Virginia (Mr. Giles) alledges ; never was a time when it was more proper to adhere to our duty, and cling to our government, asserting our rights, supporting ourselves against foreign power and influence ; and let their agents, who villify our government find, that we are not afraid to support our dignity or moderation. I would not wish, said he, to say to any foreign nation, we defy you ; but I would say to any, we will hold fast our rights, our liberty, and Independence ; I would say to our Executive in this time of danger, rely on us, we are neither Frenchmen nor Englishmen, but we are Americans. If the doctrine stated by that gentleman be true, it is right, and now is the very time we should make these declarations, and shew our unanimity, and not our imbecility or discord.

It had been observed by a gentleman, that the President, no doubt, is a very honest man and a patriot, but he did not think him a wise man.

Mr. GILES here rose to explain, he said that in his assertions he meant not to reflect on his private character ; he referred to his administration ; no doubt, but the gentleman possessed both.

Mr. AMES said, he considered well what the gentleman had said, as a private man his integrity and goodness cannot be doubted, but in his administration—here we are to stop short, not a word about that, it wont bear looking into : it has been neither firm, nor wise. If the House, in their Address to him, were to say, we think you a very honest well designing man, but you have been led astray, sometimes to act treacherous, and even dishonest in your administration ; we think you a peaceful man, and though much iniquity may have been practised in your government, yet we think you are not in fault ; on the whole, Sir, we wish you snugly in Virginia. Such sentiments as these I do not like. Is this an Address or an insult ? Is this the mark of respect we ought to shew to the first man in the nation ? Mr. A. observed that

he did not agree with the gentleman from South Carolina (Mr. Smith) who said that the President would carry daggers in his heart with him into his retreat from public life, if we refuse him our testimony of gratitude. No, said he, he bears in his breast a testimony of his purity of motive, a conscious rectitude, while in public life, which daggers could not pierce. He would retire with a good conscience. Perhaps it would be said this was adulation, but let it be remembered this was truth; this was not flattery; let gentlemen deny this; let them prove that this is not the will of their constituents. The country, he said, would judge our opinions when we come to give our yeas or nays; then the real friends of that man will be known.

The gentleman wishes him back to Virginia, was glad he designed to go; he did not regret his resignation. His name will appear in that opinion. The whole of the President's life would stamp his character. His country, and the admiring world knew it; and history keeps his fame and will continue to keep it. We may be singular, said he, in our opinions of him, but that will not make his character with the world the less illustrious. We now are to accept of his resignation without a tribute of respect. We are not to speak of him as either wise or firm. We can only say he is an honest man: this would scarcely be singular; many a man is honest without any other good qualifications. What circle would gentlemen fix the committee in to amend this address, if they are not to give scope to these sentiments? Better appoint no committee at all. If we address the President at all, I hope, said Mr. A. it will be respectfully, for both respect is insult in disguise. I hope we shall not alter the original draft of the address, but agree according to our former intentions to present a respectful and cordial address.

Mr. SWANWICK rose to explain to those parts of the observations of some gentlemen who had lately spoken (Mr. Dayton and Mr. Ames) on that part of the paragraph, which speaks of our gratitude to Providence. He should be sorry if such an idea was entertained from any thing he had observed. It was not that part of the paragraph, but the part where we are contrasted with other nations, that he objected to principally. Although, he must observe, it was not spoken in a stile common to devotion, to tell Providence how wise and enlightened we were. It does not boast of our Philanthropy, to say how much wiser and better we are than other nations. He thought the gentleman's reference

to a clergyman very curious. It would not be right in us to say to God, we thank thee, we are wiser or more enlightened than others ! If we are so, let us rejoice in it, and not offend others by our boasting. Gentlemen say, we are happier than though we were at war ; are we at peace ? No, we are involved in the worst of wars. Witness our spoila-tions from Algerine, English, and French cruisers, from some of which he himself had suffered materially. The President does not think we are at peace : he recommends a Navy as the only efficient security to our commerce. How, asked he, could that little Island (England) command such influence in foreign dominions ? It is by her Navy. We cannot boast of such power. While we think ourselves much happier and stronger than others, others think us more diminutive ; let us not boast. He feared that the revenues of this country would suffer materially through the great stagnation of commerce. He did not think they would be as productive as formerly. He feared it was too generally known, that this was not a time of very great prosperity. As he did not, for one, feel the prosperous situation of the country, he could not consent to violate his feelings by speaking contrary to them. The gentleman from Massachusetts (Mr. Ames) last session, spoke with great eloquence and at great length of the horror of war ; which he considered as inevitable if the British treaty (then the subject of debate) was not carried into effect.

The President now tells us we are in danger of new evils : is this the prosperity on which so many prayers are to be offered up, and so much boasting is about ? He did not see occasion for it. That gentleman, Mr. S. said, would always find him as willing as himself to support the dignity of the nation, and to prevent other nations interfering with our advantages. He observed now there was danger to be expected Mr. Ames had forgot the horror of war ; now, on the contrary, he can bid defiance, when it is the French we expect danger from. How this gentleman could reconcile these inconsistencies he knew not. The gentleman had drawn a comparison of a shipwreck to illustrate his remarks, but surely it was not a good figure. Are the nations of Europe shipwrecked ? If we read their own publications of themselves, they will tell you they are the most free and enlightened people upon earth, and yet we call these an unhappy people ; they may be so, and we may be happy, but do not let us draw comparisons. Mr. S. wished neither to

undervalue our prosperity, nor discard a just sense of the dealings of Providence; he only wished that we may not think and speak too much of ourselves. On the whole, he said, the better we manage our own concerns, the more advantage to us, and he wished we were happier than we were, but not to risk offending other nations by our boasting.

Mr. CHRISTIE moved for the committee to rise. The House divided on the motion; 43 members appeared against it, 31 only in favour of it. It was lost.

Mr. GILES rose and observed that he should not have troubled the committee with any farther observations, but his ideas had been misrepresented; although he endeavoured to prevent a possibility of misconstruction, yet it seems he had not been able to effect his wish. It was not wonderful, he said, that the President's popularity should be introduced into the debate when it had been so long in question. It had been too commonly done, he thought, but he hoped the influence of it would not be very great. As to the unanimity of the committee who drew up the address he cared very little about it; he should be extremely sorry to see it have any influence on the members of that House.

Gentlemen have said that if we take out the expressions of our sense of the wisdom and firmness of the administration of the President, they cannot find any ground on which to compliment him; if so, he for one would not be willing to present an address at all. But his views were quite different, he thought it could be effectually done without adulation; he could not consent to acknowledge the wisdom and firmness of his administration. Gentlemen had enquired for instances in evidence of this assertion. He said, that without seeking for more instances, that of the British Treaty was a standing proof in support of the assertion. Though many gentlemen believe nothing has been done injurious to the United States through that treaty, yet I acknowledge I see very great danger; we are not now in that state of security which could be wished. It is well known that the operation of the British Treaty, is the ground work of all the recent complaints of the French government. It may be said that many of the complaints of the French minister originated from actions previous to the British Treaty: It may be so, but that was the means of calling forth complaints, which, perhaps, would otherwise never have been made; else why did not this calamity befall us before; it certainly may be ascribed to that instrument. Gentlemen may talk as they

please about the law of nations ; but the law of nations is, that a neutral nation shall not do any thing to benefit one belligerent power, to the injury of another. Mr. G. said he thought matters carried a serious aspect, and he very much disapproved of the declaration of a gentleman (Mr. Ames) who says, now is the time of danger ; we are on the eve of a war with France, now let us boldly assert our rights. At the time the British treaty was debating on, that gentleman was overcome with the prospect of a war ; he then depicted it in horrible forms ; but now how different his language, he now seems not afraid to embrace all its horrors, and was zealously calling out for the nation to support the administration. Why did we not hear this when the British spoiled our commerce ? If we are upon the eve of a war with France, as the gentleman supposes, it will be disastrous to this country ; we have reason to deplore it : it will be calamitous indeed. France has more power to injure this country than any nation besides, and none we can injure less. What an influence can she command over our commerce ; she can exclude us from our own ports ; spoil our trade with Great Britain, and from her own extensive country ; she can shut us out from the East Indies as well as the West Indies ; ruin our trade to the Mediterranean, which, owing to the late conquests of the French may be rendered very flourishing and important to us ; and by her alliance offensive and defensive with Spain, we not only have another enemy, but lose our late advantages in the navigation of the Mississippi. Suppose by the influence of her politics the doctrine of liberty and equality was to be preached on the other side of the Allegany Mountains, what numerous enemies may they breed in our own country. France can wound us most, and we have least reason to provoke her. It would be policy in her to go to war with us ; by ruining our trade with England, she could give a violent wound to her enemy ; yet that gentleman says, now is the time to assert our rights, now we are in danger. The war whoop and the hatchet, of which the gentleman spoke so feelingly last session, is no longer in his thoughts. If this was the only reason he had, it would be enough to influence his vote against an acknowledgment of the wisdom and firmness that has dictated our administration.

The gentleman from S. Carolina (Mr. Smith) had said, that attempts were made to separate the President from the other branches of the government. Mr. G. observed that the Senate

were his only advisers on the business of the treaty. It was thought, and he believed with good reason, that if that treaty had been laid on the table in this House for discussion, before it had received its sanction from the Executive, it never would have been carried into effect. He thought, and his constituents thought that it was a ruinous measure; all America begin to think, and will soon see, that it was a very unwise and injurious action.

The gentleman from Pennsylvania (Mr. Sitgreaves) had, he thought, very improperly drawn a comparison of a man, felicitating himself in the midst of his family, and comparing with his neighbour. He compared it to the deliberations of this House on our enjoyments. Adverting to the simile before mentioned, Mr. G. said that neighbour may be here attending to the comparisons drawn in the House, (alluding to the minister of a foreign nation present at the time.) An attempt had been made to oppose the striking out the paragraph in question, but he really hoped it would not obtain, as he wished it to be re-committed. He thought it might have the advantage, by adding some new members to the committee, of being altered to a more general satisfaction. But no influence under Heaven could ever induce him to vote for the present Address. He hoped it would not be thought that he was wanting in respect for the President. No, said he, truly I do not love his measures, but have a cordial affection for the man. I wish, Sir, to speak of him with respect and esteem. The reason I wish him from his present office, is from a knowledge that he will be more happy at Mount Vernon, than he can be amidst the turbulence of state affairs. I know the people can do without him; this is a government of the people, and the people can choose another for themselves. I believe, Sir, there is national gratitude due to him; but not as it respects the treaty with Great Britain; I believe therein was a failing. I think, Sir, there is such a sentiment as national gratitude from the people to him, but it is not incurred through that instrument. If gentlemen can form an answer without such expressions as those I have taken the liberty to object to, I wish they would. Certain I am it can be done, and that with very good satisfaction by those gentlemen, without hurting their own feelings.

Those who vote for striking out have been charged with a want of gratitude to God for national blessings. He could assert for himself that the view was to remove that sentiment, but he supposed something would be introduced by the com-

mittee with less exception, and equal force. He thought there was scope enough to compliment the President without writing scoundrel on their own foreheads, by expressing approbation of measures, which they always opposed.

Mr. WILLIAMS rose, and said he was sorry to trouble the committee at such a late hour, but he could not be satisfied with giving a silent vote on an occasion, when the President's popularity was doubted. He thought members ought to speak the will of the people they represent; he could assert that it was not merely his own opinion he spoke, but that of his constituents when he voted for the Address as reported. He was sorry to hear the gentleman last up speak in the stile he had done, although he owned it was not altogether new in him. The gentleman wished the first clause to be struck out. Mr. W. thought it was the duty of every pious man to thank God for the benefits he enjoys. And shall not we as a nation thank him for keeping us from a state of war? Gentlemen's ideas were to strike the whole out in a mass; but he hoped they would not be gratified. Mr. W. said he was very sorry to hear the gentleman speak against the wisdom and firmness of the President, which assertion seemed to have its foundation in the treaty concluded with Great Britain. He would ask the gentleman whether that act of ours should have any influence on our situation with France? Wherein have we differed from the compact made with France, by our treaty with that country? we surely had a right to treat with Great Britain, else we could not be an Independent nation; and France will not deny this. In 1778, the ambassador of France informed the British Court that his nation had entered into a treaty with the United States, and at the same time informed them, that great attention had been paid by the contracting parties not to stipulate any exclusive advantage in favour of the French nation, and that there was reserved on the part of the United States, the liberty of treating with any nation whatsoever upon the same footing of equality and reciprocity. But the gentleman, Mr. Giles says, we ought not to give an advantage to an enemy. Mr. W. said that no advantage was given to Britain, but on the contrary the article complained of must be of advantage to France, it is an encouragement for American vessels to go to their ports; it ensures them against loss if they are interrupted in their voyage. It had been said that it would be to the interest of France to go to war with us; if they consider it so, all that gentleman can say will not prevent it. When we reflect on

a treaty entered into on this principal with Great Britain, should France complain? Mr. W. observed on an expression of Mr. Giles, where he had mentioned the side his name would be in the journals of the House, that as his opposition was against the President for his perseverance to prevent being drawn into a war; to embroe our hands in blood to gratify the hatred or serve the interest of another, we ought to agree to the report; this being the last time we shall address him, the people wish and expect us to address him with respect and gratitude. Have not the State Legislatures addressed him in this manner? Even the State where the gentleman whom I have answered, comes from. How then, he would ask, will it appear hereafter, when the transactions of our proceedings come to be read, how will it then appear that every part of the government, except the general Federal Legislature have acknowledged their obligations to that useful man. Surely we represent the same people as the Legislature of the States do; and we should coincide in our measures to do their will. He was sorry, he said, the gentleman had said a single syllable, degrading to that man's public character, and he hoped they should go no farther into the business. Let us endeavour to eradicate from our minds those opinions which we may have suffered to have acquired a growth, which overshadows the dictates of truth and justice. Let us each individually consider whether we have not suffered our private interests to bias our public conduct, and with a view to temporary advantage to ourselves, sanction measures, which unless timely checked, may put in hazard those blessings which a constitution founded like that of the United States, not on the vision of a heated or distempered imagination, but on principles which, unchecked in their operation by the arm of violence or misrepresentation of calumny, must necessarily produce, and when we shall have traced in the wisdom which shall have directed, and the firmness which effected the revolution, let us then consider the man who hath been the instrument.

The committee rose, and had leave to sit again, and the House adjourned at half past three o'clock.

Thursday, December 15.

The House, according to the order of the day, resolved itself into a committee of the whole, on the answer to the President's Address, Mr. Muhlenberg in the Chair.

The question before the committee was Mr. Giles's motion for striking out.

Mr. NICHOLAS said, he sincerely wished that such an answer might be agreed to, as would give a general satisfaction. He hoped some mode would be adopted to unite the wishes of every gentleman; his disposition, he said, led him to vote for the paragraph, he thought himself at liberty so to do, as he was satisfied the administration had been, in many instances, wise and firm. He thought it improper that such debate should take place at the present time. He could see no inconvenience that could arise from voting for the Address. The words on which most stress had been laid, were those expressive of the wisdom and firmness of the President's administration. He declared he thought it had much contributed to the success of this country; and if success had attended his measures, there could be nothing inconsistent in their acknowledging it; which was all the compliment necessary to give satisfaction. He thought he could vote for the Address without involving himself in all the sentiments advanced on the subject. Mr. N. observed, that some of the expressions in the Address were much stronger than he wished them. He knew his constituents regretted the President's resignation, and that whatever little interruption there might have been to weaken their esteem of him, he yet retained their confidence. With this explanation for my conduct, said Mr. N. I think myself at liberty to vote for the Address.

Mr. RUTHERTON. My colleague, has in a great measure anticipated my sentiments on this occasion. I am sorry for the mistaken zeal the gentlemen of the committee should have shown for the President, by introducing expressions into the address so exceptionable, and which should be subject to such an uncomfortable exposure of that character.

I was able yesterday only to attend a part of the debate through indisposition, but what I did stay to hear, hurt me very much. I heard gentlemen speak ill of the common parent of our country, whom we all revere; and was a slip, but one criminal slip to rob the President of his good name? We have seen the goodness of the heart of that man, and with satisfaction. We have seen him wrestling with his own feelings to continue in the important and weighty business of government; we have seen him contending with two great rival nations, and yet preserved peace. When he had made a slip, the people of America have stepped forward to assist

him, and dropt the generous tear, sensible to that err is human, and that we are all liable to do wrong. I am sure that my colleagues and every one in the House hold the character and virtue of that man in high esteem. I am sorry to see that division of sentiment which has taken place, it would make the world believe that we wish to rob him of those qualifications. It is the justice and duty of this House to do that man, that patriot, all the honour they can, whilst it is the interest of this nation to hold in view those great points with generous satisfaction, and good wishes to the man who has stepped forward, and not in vain, to the support of our Republic in the war, and under divine assistance was made our deliverer: And now for gentlemen to come here and speak of the troubles of the country, ascribing all our adversity to him, it is like applying cold water where the strongest energy is necessary. Again I would repeat, that if that man, our common parent, has committed errors, it is no more than we all may do: it is the general lot of all. If there have been faults in the administration, I do not think they lie at his door, but at his councillor's; he has had bad councillors; his advisers are to blame, and not him. I never saw how he could have done otherwise than he did. And now sir, said Mr. R. it is our duty to bear those great actions and generous sentiments in our view, that on his retirement from his public station, we may render him all the respect due to his character. Nor would I less remember our situation with France, that great and generous Republic, under whom we owe our liberty. Let us not give offence to her, but by every mark of gratitude and respect, act a part consistent with a just sense of our peaceable intention. Let us act with the greatest circumspection and deliberation.

I hope the present address may be formed not to diminish our sense of respect for the great man to whom presented, while it gives unanimous satisfaction to all the members of this House.

Mr. LIVINSTON was sorry the answer was not drafted so as to avoid this debate. He said it was his sincere desire and hope that the candour of gentlemen who advocated the Address in its present form, and those who wished it amended, would so combine as to make it agreeable to all. He said he intended to oppose the amendments which had been proposed, although he did not see the address every way right: with a view to reconcile parties, when the present motion was disposed of he should move to strike some words, in order to

insert others. He could not, like some gentlemen, draw consolation from the misfortunes of other nations ; their distresses were rather matter of regret ; nor did he see a propriety, as another gentleman had done, of likening our affairs with those of the members of a family ; but, even if it would bear, he could not see that tranquility in this family as was expressed. His only objection, he said to the paragraph in question, was the words " tranquil prosperity." He believed the United States did not enjoy that tranquil prosperity ; on the contrary, he thought this was a time of great calamity in the country, and he thought that it was owing, principally, to the measures of the government. There were other clauses in the Address he said he should, when they came to be considered, make objections to, and he thought they could be all easily removed by motions suitable ; however, he said there were many sentiments in the Address in which he heartily concurred. He should vote against the striking out the eight clauses in question, as he thought such amendments could be proposed as would make the Address meet his hearty concurrence, and he believed give general satisfaction.

Mr. GILES's motion was then put, to strike out those clauses and negatived.

Mr. PARKER renewed the motion he made yesterday, to strike out the words " freest and most enlightened in the world."

Mr. HARPER said, that he believed his motion he yesterday offered, had the advantage of superseding the necessity of that motion, as it would strike out a much greater portion of the Address in order to substitute words more simple and expressive than the several parts now contained. He would not again go over the ground he yesterday trod ; but would barely submit the resolution to the committee. He did not propose to amend the Address because he felt any reluctance at expressing the sentiments contained in them, but because he thought the words proposed would more effectually bring about a reconciliation, and have the advantage of more simplicity and force of expression. His amendment was, to strike out that part of the answer, from the words " retirement from office," at the end of the seventh paragraph, to the words " may you long, &c." at the beginning of the last paragraph ; and insert, " and to avail ourselves of this occasion, since no suitable one may hereafter occur, of disclosing those warm emotions of respect, gratitude and af-

fection, with which we, no less than our constituents, have been inspired by a life equally illustrious for the wisdom, integrity and patriotism whereby its public conduct has been guided, and fortunate in the happy influence which the exercise of those virtues has produced on the prosperity of our country."

Mr. FREEMAN said he could not vote for the motion the gentleman had made for striking out, nor the substitute proposed; because it left out a sentiment contained in the original which he very much approved, and which he would wish by all means to be included in the Address, viz. "Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind than valuable to the Republic."

Mr. HARPER said those words could be easily admitted into the motion, which he had no objection to.

Mr. AMES hoped that the motion to strike out would not prevail; for, without being over tenacious on the subject, he must give a preference to the copy of the report, which was printed; the members had the advantage of weighing it in their minds, which they would lose by adopting the substitute; besides, he thought the ideas were so crowded in that proposed, as to render it heavy; he hoped the reported Address would be agreed to.

Mr. HARPER's motion was then put and negatived. Twenty-five members only voting for the motion.

Mr. PARKER again moved to strike out "freest and most enlightened," &c.

Mr. W. SMITH said, yesterday in the discussion on the subject, gentlemen had assigned for their reason to strike out those words that other nations would be offended at us. It was usual, he said, for nations to applaud themselves, and he thought it could give no offence to any. He did not hear gentlemen mention what nation was meant. He presumed the only nation that could be alluded to was the French Republic. If, however it can be proved that they have used similar language, he supposed it would give gentlemen some ease as to this particular. In looking over some papers, he had seen several bombastical expressions in a note of Barthélemy, a report to the convention of Laviere, and of Cambaceres, in the name of the three committees. In one are these words "a government so powerful as the French." In another he calls it "the most enlightened in the civilized world."

In another, " the first in the universe." He hoped that while that nation could use expressions like these, the gentlemen of this House would not think the expressions referred to would give offence to that or any other nation.

Mr. PARKER said, when he made the motion he did not refer to any particular nation, he had neither France nor England in view ; he did not wish to see us contrast our political situation with that of any other country. His objections, to the words, he said, arose from our making the declaration ourselves. Our government, he acknowledged, was free ; it was the best in his opinion any where. He wished to believe the people as enlightened as any other ; he believed they were, and if they were not they had only themselves to blame ; but however enlightened or free we were, in his opinion we were not the proper organs to declare it ; however enlightened we might be, he thought the last four years administration had convinced many, as well as himself, that the administration was not the most enlightened ; if they had they would not have suffered such shameful spoiliations on our commerce and shameful acts of cruelty to our seamen. He said the two little monarchies of Denmark and Sweden, neither of which in point of extent can be compared with the United States (more to use the comparison with the gentleman from Pennsylvania yesterday) than a speck is to the sun ; nor are they either of them in population nearly equal to the United States ; and although they are surrounded by the greatest warlike powers in a belligerent state, yet they have preserved their neutrality inviolate ; their ships have not been wantonly seized, nor have their seamen been torn from their ships, or whipped at the gang way of British ships of war, or been shot by their press gangs. To mention the instances of British cruelty towards our seamen in every instance that could be adduced, would take up time unnecessarily ; one alone that recently happened I shall relate.

The brother of a member of this House [Mr. Franklin of N. C.] was impressed on board a British ship of war in the West Indies ; he was unacquainted with seamanship, having only made a passage from N. Carolina to the Islands ; being awkward and not being a seaman he was discharged. The same evening a press gang of the same ship fell in with him and made him a prisoner ; in attempting to make his escape he was shot at. The ball was aimed at his body, it was not winged with death, but the young man was wounded in the hand.

Mr. P. observed, that the Helvetic confederacy, the Swiss Cantons has been better treated than us; although their inhabitants were few and they had no shipping, yet in the midst of powerfull contending armies that even surrounded them, they preserved their dignity. Whilst they have preserved their dignity ours has very much diminished.

Mr P. said, when the baneful orders of the sixth of November, 1793, were issued by the British government, by which our vessels were seized, and our citizens torn from their country, it was proposed by this House to lay an embargo, which was to be followed, and was followed by a bill to break off all commerce with Great Britain, after a certain day, and also to sequester the British ships and other property in this country to make good for the losses illegally sustained; the first bill fell through in the Senate; the sequestration was given up in consequence of the Senate's rejecting the non-intercourse bill.

At this time, it was said by the gentleman from Massachusetts (Mr. Ames) we must be sober-minded and discreet; we must not provoke this powerful nation. She is armed at all points like a Porcupine, her quills are sharply pointed; and she, in confederacy with the most powerful nations in Europe; therefore, it will be wise to shut ourselves up like the Terrapin, and wait until events change the affairs of Europe, but on no terms whatever go to war. A breach of intercourse would be war, and sequestration was actual war: his language prevailed, and the Executive sent an Envoy Extraordinary to the Court of St. James's, it must have been expected by the most free and enlightened Americans, that this Extra Envoy was sent to represent and demand redress of our grievances. But too soon were they disappointed; for, on his arrival, the first note from his pen addressed to Lord Grenville, says, "he relies *only* on the justice and magnanimity of his Majesty." The baneful treaty since verifies the act. Was this language for us to hold out to that nation from whom we had received such insults and injuries? do we rely *only* on the justice and magnanimity of that country for support? The most petty state in the world would scorn to debase itself so much. Where then is our enlightened state? This, he said, was an act of an administration, they were called upon to applaud, and say were the most enlightened in the world. He believed the President never would have put his name to the treaty that has brought us to the eve of a war with France, if he had not been advised by the council of others, who, he

feared, were friendly to Great Britain, hostile to France, and enemies to their country. As to the President himself, he believed him to be a just, wise and good man, he knew he was brave.

The gentleman from Massachusetts (Mr. Ames) tells us we are on the eve of a war with France, and in this case it is necessary we should unite and meet her. Where are we to meet her, says Mr. Parker? Have we a navy to transport troops to Europe? No, and if we had, could we expect to foil that great nation, who are fighting for their freedom, and who had obtained more victories, and conquered more men in a few months, than ever was done by the Romans in their most successful days. In case of a war with France, should we not be compelled to shut up ourselves like the Terrapin in the shell (looking at Mr. Ames) could we carry on our trade abroad? Should we not be deprived of the islands of France in the West Indies, from whence we not only draw necessities for home consumption, but valuable cargoes for exportation? When the treaty question was before us last session, the gentleman from Massachusetts, (Mr. Ames) in order to frighten the House into the appropriation for the British treaty, told us the Tomahawk was lifted up to strike the son, whose blood was to enrich the corn-field. The slumbers of the cradle were to be disturbed by the savage yell, and a variety of other high-toned alarming metaphors, which I am not able to follow him in; as in point of eloquence, the palm is yielded to him; but after this let me ask for his consistency, then we were to shut ourselves up in our shell, now we are to meet France; why has his tone so changed? When Britain insults us we are to crawl into our shell, when France does we must meet her: did that gentleman meet the British last war? Where was that gentleman when we were struggling for our liberty. I presume he shut himself up in his shell.

Mr. Parker said he had seen such acts of rapine and cruelty committed by the British armies in America, that he could not think them great or magnanimous, but the most cruel of any other nation; he had seen a flourishing town destroyed, houses and vessels burned, and families ruined, and when he took Portsmouth in Virginia in 1781, not an hour after General O'Hara left it, he found, in a house near as large as the one we sit in, a great number of melancholy victims of British barbarity (some of which were among the most respectable) the rooms crowded with people, dead and

dying of the small-pox, not a single nurse to attend them, nor a drop of water to wet their mouths, this is among the evidences of British humanity.

These are the people we are to be allied to, to fight France—If we must go to war with France, and we are invaded by her, I must, and will fight for my country, but was I to have a choice, I would prefer a close connection with France rather than Britain. Our governments are more alike; We alike have fought for freedom; we have, in some measure, loosened the chains which ignorance and superstition had made, and which were supported by king-craft and priest-craft. I wish to see republican liberty spread itself over the world, this is among the reasons why I should deprecate a war with France. Hence I hope that every measure will be used consistent with the honour of our country, to cement closely the bands of union between the United States and the French Republic.

Having said, perhaps, too much on this subject, I shall conclude with the words of a celebrated French* author. "I have graved on my heart, a love of freedom, and a hate of Kings."

Mr. HARPER said, he had not a disposition to follow the gentleman in his invective against the administration of this country, or in his reference to the conduct of another nation. Nor could he see what it had to do with the matter in hand; the question was, whether they should make the declaration or not; it did not appear to him important whether they made it or not; if it was true, other nations would see it. But why should gentlemen travel into this long field of invective? Suppose all these assertions were true, he should then vote against his own motion. Admit all was a mistake; that we are not what we think ourselves to be, and that it had its foundation in a base, wicked design; does it then follow that all the rest of America are equally wicked? We have been talking much about war, pacification, &c. it would seem to strangers who entered the House since the debate commenced, that the subject before the committee was a declaration of war, whereas it is only whether we call ourselves a free and enlightened people or not. The gentleman from Virginia (Mr. Parker) said, he felt himself pacifically inclined to all nations. Mr. H. supposed the truth was, that

* *Voltaire.*

the gentleman was pacifically inclined towards the nation who seemed to be hostile at present against this country. (Mr. Parker here rose to make some explanation.) Mr. H. however, hoped they should not travel into fields of discussion, nor give scope to their imagination to call forth from their recollection all the circumstances which could be detailed, but which would only serve to irritate and prolong business which required immediate discussion; he hoped, therefore, that they should confine themselves to the simple question, whether to strike out or not. What, he would ask, have peaceful or hostile disposition to do with the question in hand? He had said when compared with Sweden and Denmark our government had been very unwise and had permitted depredations on our commerce. He did not wish to enter far into the discussion, but this he could say, that Sweden and Denmark although they had 36 ships of war always ready to protect them, yet they had submitted to as great insults as we have; with less force we have obtained greater advantages than they. As to the Swiss Cantons, although they have no ships on the ocean they were in alliance with the only nation that could annoy them; besides their situation is such that their mountaneous country will protect them against all invaders: they can sustain an independant character with more ease than most nations. He did not see any superior wisdom in their conduct; he must consider our conduct marked with more wisdom than either of them. Involved in a labyrinth with three or four of the strongest nations in the world, although we have not received those advantages we could wish, yet he thought we had come out quite as well as we had any reason to hope. Contrasted with Sweden Denmark and Switzerland, we have obtained those advantages which would afford us ample reason to admire the wisdom of our administration: and those advantages were obtained while we staid at home and managed our own business.

Mr. AMES said, if any man were to call himself more free and enlightened than his fellows, it would be considered as arrogant self praise. His very declaration would prove that he wanted sense as well as modesty, but a nation might be called so, by a citizen of that nation without impropriety, because in doing so, he bestows no praise of superiority on himself, he may be in fact, and may be sensible that he is less enlightened than the wise of other nations. This sort of national eulogium may, no doubt, be fostered by vanity

and grounded in mistake, it is sometimes just, it is certainly common, and not always either ridiculous or offensive. It did not say that France or England had not been remarkable for enlightened men ; their literati are more numerous and distinguished than our own. The character with respect to this country, he said, was strictly true. Our countrymen, almost universally possess some property and some pretensions of learning, two distinctions so remarkably in their favour as to vindicate the expression objected to. But go through France, Germany, and most countries of Europe, and it would be found that out of fifty millions of people not more than two or three had any pretensions to knowledge, the rest being comparatively with Americans ignorant. In France which contains 25 millions of people, only one was calculated to be in any respect enlightened, and perhaps under the old system there was not a greater proportion possessed of property ; whilst in America, out of four millions of people, scarcely any part of them could be classed upon the same ground with the rabble of Europe. That class called vulgar, canaille, rabble, so numerous there, does not exist here as a *class*, though our towns have many individuals of it. Look at the Lazaroni of Naples—there are 20,000 or more houseless people, wretched and in want ! He asked whether, where men wanted every thing, and were in the proportion of 29 to 1, it was possible that they could be trusted with power. Wanting wisdom and morals how would they use it ? It was therefore that the iron hand of despotism was called in by the few who had any thing, to preserve any kind of controul over the many. This evil, as it truly was, and which he did not propose to commend, rendered true liberty hopeless. In America, out of four millions of people, the proportion which cannot read and write, and who, having nothing, are interested in plunder and confusion and disposed for both, is small. In the southern States he knew there were people well informed, he disclaimed all design of invidious comparison ; the members from the south would be more capable of doing justice to their constituents, but in the eastern States he was more particularly conversant, and knew the people in them could generally read and write, and were well informed as to public affairs. In such a country liberty is likely to be permanent. They are enlightened enough to be free. It is possible to plant it in such a soil, and reasonable to hope that it will take root and flourish long as we see it does. But can liberty, such as we understand and enjoy, exist in societies

where the *few* only have property and the *many* are both ignorant and licentious.

Was there any impropriety, then, in saying what was a fact? As it respects government the declaration is useful. It is respectful to the people to speak of them with the justice due to them, as eminently formed for liberty, and worthy of it. The gentleman from Virginia (Mr. Giles) on a former occasion had said he *adored the people*; but now when there was a wish to pronounce the attributes of his divinity, he was not found more fervent in his adoration than many who had made no such profession. If they are free and enlightened, let us say so—if they are not, he should no longer adore them; they would not certainly be worthy of honours quite divine. Mr. Ames said they ought not only to say this because it was true, but because their saying so would have the effect to produce that self respect which was the best guard of liberty, and most conducive to the happiness of society. It was useful to shew where our hopes and the true safety of our freedom are reposed. It cherished in return from the citizens a just confidence, a spirit of patriotism unmixed with foreign alloy, and the courage to defend a constitution that a people really enlightened knows to be worthy of its efforts.

If the words were objectionable, it would be easy to alter them to avoid the objection without impairing essentially their force. A gentleman near him had suggested the propriety of saying we were “among the freest and most enlightened.” He had no objection to the alteration, though he saw no reason for altering the phraseology, but he was willing to compromise with gentlemen, it not being essential. The citizens of a free government ought, he said, to believe they were the most free and enlightened, because, having the power of making the government what they please, if it was not the best, it would be their own fault for not making it so.

He believed the House would not be surprised, if he took notice of what had been said in allusion to him in the course of the debate—allusions with which he could not be offended, because they were urged with so many expressions of the most flattering civility. But every gentleman would believe those things were not applicable to him, as their recollections would not fail to prove. What had been his language with respect to Britain? Did he say we were to submit? Did he say we were to defend our country? Was he then afraid as they were now, that soft words would not be soft enough?

No ; such language came not from him. Do nothing to irritate ; wage no war ; no hostility. Such he called sequestration and other acts of that nature. We were, he said, about to make war on British property, and such would have been considered a kind of minor war. He therefore wished to shut ourselves up in our shell like a tortoise. But at the same time, he recommended troops to be raised, ships to be built, taxes to be laid, and a spirited claim of justice to be urged. The gentleman who wished at that time particularly to preserve peace, did not wish to hold out the olive branch alone, by leaving the country defenceless. This many of their opposers absolutely did. These, he said, were their reasons, and they had been effectual. He would not go into an examination of the subject now. It was their wish to urge every exertion of the country, to have strained its faculties till they were ready to crack, and to have called forth the last dollar and the last man in defence of the country in case of necessity. Did this look as if they wished to truckle to Great Britain ? Many of their opposers, so zealous then for retaliation and reprisal, were not for any thing else—neither troops, ships, taxes, nor treaty. This the yeas and nays on the journals will establish. Will the opposers shew half the spirit now that we felt and expressed at that day ?

How happened it, he asked, that gentlemen were so angry because they had then heard the language of peace, and now because the same language was heard ? Not one of us desire hostility. Was it because Great Britain was then the object and France now ? Wrongs from the former cannot be redressed enough, and wrongs and insult too from the latter require words of more ardour than a lover's. No man felt more for the wrongs of America than he did ; he felt for the loss of ships and property, and more that our seamen had so suffered : on no occasion had a drop of blood pressed through his heart more quickly, than at their painful misfortunes. But, was it not the part of dignity and prudence to endeavour to obtain restitution for those wrongs rather than take up arms ? Was it suited to national dignity to make use of the language that had been used on that occasion by many of his opposers ? He thought both national and personal dignity forbade it, he had thought it equally intemperate and unbecoming.

Did not gentlemen seem to feel more for one individual than for an insult on the whole nation and its government ? The administration might suffer contumely and abuse,

and the country too without producing any emotions in the breasts of gentlemen ; their feelings seem to take quite another direction. If the British minister should outrage our government as the minister of France had done, every one would be for avenging the wrong. He thought it right that they should now declare their determination of supporting the Executive in support of our national honour and dignity, or let him see in season that he was to be abandoned.

The gentleman from S. Carolina (Mr. Harper) had justly said, that though we had no navy to support our pretensions, we had yet come off better than Sweden or Denmark, countries which had been produced as patterns of wisdom. Though he did not suppose the British treaty would be carried into effect, so as to satisfy every person who had suffered in his property by the British, yet he trusted the event would prove in a considerable degree satisfactory. He wished all other depredations on our commerce might be in the end as nearly compensated.

At the time when government was pursuing her negotiation, we were embarrassed with Spain, with the Indians and with the Western people. On the sea our citizens were suffering in their property. The British treaty was therefore made under disadvantageous circumstances. Too great an eulogium could not be bestowed on the government, and truth would sometimes procure its universal assent, that we had recovered our territory and made provision for the spoilation of our commerce ; that we had settled our peace with Great Britain, Spain, Algiers and the Indians ; and that our ships were not taken so much as before : what treaty will not do (as the gentleman said some time back) war must : but treaty has proved effectual.

It seemed as if gentlemen never could say enough on the subject of the British treaty and of Great Britain. The bank, treasury, and other topics of declamation, which were formerly always in order, seem to be almost forgotten. Was this the way, he asked, in which they meant to recommend to the citizens the due respect for the acts of a majority of that House and of Congress. If they think this the best way of answering the ends of government and of producing confidence and harmony amongst the people, they did well. The means appeared disproportioned or rather strangely opposite to that end. He was of a different opinion. He thought, and it was with due seriousness of deliberation he declared, the people were called upon to chuse between

them ; between those who wished to support government and those who avowed so unseasonable and so excessive a sensibility to a foreign interest and foreign nation ; between those who condemned the insults offered to the government and those who seemed to approve them, those who thought the experiment of our government had succeeded and those who were bound in consistency with their own assertions to say it was to be abandoned with disgust and in despair. He was of opinion they could not go on as they were, some pulling down while others were building up ; but the people could remove the evil by choosing a House who would be better agreed—the people being free and enlightend, would have no difficulty in choosing between them. Both sorts of men ought not to be there ; either those who like the government are in the right, or those who dispute, revile and despise it. The people would, he doubted not, judge right. He wished the appeal to be made without delay, and so solemnly as to make it effectual.

Mr. CHRISTIE wished to make an amendment to the paragraph which he thought would answer the end equal to striking it out, which, if agreeable to the gentleman from Virginia (Mr. Parker) he would move to put the word “among” after the word “freest,” which would read “the freest and *among* the most enlightened.” He could not say we were the most enlightened, but he did think us the most free ; not that he was afraid of offending any nation, but he thought this a more consistent declaration.

Mr. SWANWICK said, nobody doubted but we were free and enlightened, but he thought their declaration was no evidence to the truth of it. He thought the last amendment very good, but it would be still better if the gentleman would put the word “*among*” a little farther back, for it to read “*among* the freest and most enlightened.” A pacific disposition could not be proved by any thing so well as treating others with respect as well as ourselves ; we may not be exclusively free or enlightened. He hoped it would be thus altered.

Mr. CHRISTIE thought we were the freest people in the world ; he therefore could not agree to the amendment last proposed.

Mr. COIT could not say with the gentleman last up that we were the freest, but he was very willing to agree with the amendment of a gentleman, that we are among the freest and most enlightened ; he thought the first amendment much

proved by this ; he said it removed great part of the difficulty from the minds of many gentlemen ; however, he hoped no unnecessary time would be taken up with such trifles.

Mr. GILES next rose to speak to some observations which were made by the gentleman from S. Carolina (Mr. Smith) on the mode of expression used in the words proposed to be struck out. That gentleman brings some examples from France of this boasting spirit, but he thought their example in those things should not have influence here. Mr. G. said, he believed he was one among those on whom that gentleman supposed such would have influence ; but he could assure him, if he thought so, he was mistaken. He did not like that disposition in any one ; it was to him extremely disagreeable ; and he did not approve it any the better because the French nation had set the example. That vaunting stile of the French nation was, to him, the most irksome of all their conduct.

The gentleman from Massachusetts (Mr. Ames) supposes, said Mr. Giles, that I no longer adore the people because I will not allow them to be called, in this address, the freest and most enlightened in the world : perhaps I think as highly of the people as that gentleman does, but if so, it is not becoming in me to express it in that manner. If we are the most free and enlightened, it does not become us to make our boast of it : neither did Mr. G. think it right to tell the people so. The gentleman endeavoured to do away the objection by drawing a picture between a nation and an individual using that language. The Representatives of the people were the same as the nation. Mr. G. thought we were a free and enlightened people, yet it was very indelicate in that House to use the expressions. In an individual the case was quite different ; he did not think the comparison just : however, if the House were determined to use the expressions he should not object, it was very immaterial to him.

The gentleman from Massachusetts (Mr. Ames) said some individuals were opposed to the government. Mr. G. wished to understand the meaning of the term government. If the gentleman meant the government of the United States in all its branches, as organized by the constitution, he did not think it would at all apply. Not one on that floor, he said, could love the government in this sense more than he did ; he never suspected what the law adopted ; he had all his life embraced it with pleasure : but if the Executive alone was meant as the government, Mr. G. thought that was some-

times censurable : however he could not call that the government, although it was a part of it, and a very essential part. He was sorry to find that this part of the government had placed us in a very disagreeable situation. He said he was one of those who extremely disliked the treaty with Great Britain. This was one of those acts which to his view was unwise in the administration ; he did not like any close connection with that country ; although some pecuniary advantages might arise from it, yet there was enough in his view by forming such a connection as to overbalance all partial advantages. What, said Mr. G. is our existing situation with respect to France ? He thought the state of our affairs with respect to that country far from agreeable. The President announces something very uncomfortable, and accounts that have been received from France corroborate the testimony and even adds to the danger : and where can we put the blame, but on our accommodation with Great Britain by the treaty by which we are liable to be interrupted by a nation infinitely more powerful ? By the acquisitions of Spain and Holland to France we not only lose those who were our friends, but they become enemies in common with their ally ; our commerce with all the world, and even with our own parts is ruined by her privateers which originates in that calamitous treaty. He said he would appeal if this is the case, whether the declaration of the gentleman from Massachusetts (Mr. Ames) was well timed, to come forward and tell them what we will do ; we were ready to meet them. If this is the happy prospect arising from what the gentleman calls a wise and firm administration, he lamented it as fraught with evil. He thought that in the contract with Great Britain we had made a dangerous poison which would soon be felt.

With respect to one allusion of the gentleman, he would say, that he felt the same adoration for the will of the people now, as he ever had done, and he hoped he always should ; he thought no gentleman could charge him with contrary conduct ; the sentiments he had always supported arose from a feeling and conviction of their propriety. He said he made these remarks because some gentlemen had indulged themselves in such personalities. He forbore to make any farther observations, as he might sometime take an opportunity to remark on some particulars in an expected communication when it offered. With respect to the address he should vote against it.

Mr. DAYTON (the Speaker) said that some of the observations which had been brought into the present debate were of too delicate a nature to be commented upon or even repeated, he should not therefore follow the gentleman who spoke last in his enquiry how far this country was exposed to be annoyed by France in the possible, though happily not probable, event of a rupture with that country.

As to the words "freest and most enlightened" which were more immediately the subject of discussion, he did not object against them on the ground of fact, but he considered the expression as resolving itself into a question of decorum and delicacy, the rules of which appeared to him to be violated, in their ascribing to themselves such a superlative preference (however true) in a comparison with every other people. The amendment of the gentleman from Maryland (Mr. Christie) very much softened the terms and rendered them more palatable.

Some remarks had fallen from the gentleman from Massachusetts (Mr. Ames) which were irrelative to the subject, and Mr. Dayton could have wished had been therefore omitted. Had he contented himself with challenging any member to point out a single instance of inconsistency in him and pursued the subject no further; Mr. D. said that his respect and friendship for the member from Massachusetts would have induced him to be silent, but when that gentleman had wantonly gone out of his way to bring into view and arraign the policy of certain energetic measures which were at a former session contemplated to counteract the encroachments of Great Britain, he felt himself called upon to take some notice of them. Those measures, and sequestration in particular had been on a former occasion asserted, and now again unnecessarily repeated, to have been intended as acts of hostility. Is it then (enquired Mr. D.) an act of hostility simply to sequester, or in other words to attach and to arrest and detain in this country the property of the British nation as a pledge or security for the indemnification of the citizens of the United States against the depredations of that nation, and is it no act of hostility against this country to have their property not merely sequestered but condemned, confiscated, and wasted by the cruizers, subjects, government and courts of that nation? Such, he was sorry to say, had formerly been the reasoning and assertion of the gentleman from Massachusetts. The United States must not sequester, for it was war; but the plunder and confiscation of the property of our

citizens was not to be termed hostility, but was only ground for negotiation. If it were possible for that gentleman to reconcile that striking inconsistency, he might then free himself from the imputation. That he himself had advocated all the energetic measures which were proposed on a former critical occasion in that house, was, Mr. Dayton said, his pride and his boast. He then thought, and he still thought, that if they had been carried into effect, the situation of this country both as it respected the indemnification of our fellow citizens who had been plundered, and our commercial and political connection with Great Britain would be far more favourable than it could be said to be at that moment.

Mr. AMES said that the gentleman from Virginia (Mr. Giles) had represented him as saying that he took it for granted that we were on the eve of a war with France. So far was this from being correct, he had grounded his expression carefully upon what fell from the gentleman himself. He said if we were on the eve of a war, as Mr. Giles insinuated, it was above all things necessary that we should cling around the government, and not let an idea go forth to the world that there was a division of sentiment on the subject of the respective duties we owe to France and our own country. He knew not what more he could say with respect to France. He had advocated words strong enough for any thing but a love-letter, and such were reported by the committee. It was possible indeed he might not feel all the ardour in her favour which was expressed by other gentlemen; for their's, he was free to say, he thought excessive and pernicious. It was not sweet enough to go down his throat, but much sweeter than he thought proper to make use of. He wished most cordially for peace with all nations, but if that could not be had, he wished for an union of sentiment in support of our national character and dignity. He did not approve of any thing like menaces, nor would he give the least encouragement to any hostile disposition; this, he said, had been the language used by other gentlemen in that House.

So much for that subject. With respect to what had fallen from the Speaker, it was possible on so many points, and with so many aspects of the same point, in the business of several years, he might not have acted consistently, though as to the matter in question, he neither admitted nor believed any such thing. He always acted as he thought best at the time; but at different periods he might, and this he said

merely for the argument's sake, have acted differently. Sincerely, he was sure he had acted, and the House would believe he had ever avowed his sentiments as he really felt them; but he could not see any thing of this inconsistent kind in his conduct. Admitting that the capturing of our vessels by the British were acts of hostility, and there was great difference between such acts and the just causes of war, were we, he said, even then without reflection or penetration, or demand of justice, to return hostility for hostility? The French had also captured our vessels, and yet no one spoke of this as an act of hostility, or of sequestration, prohibition or embargo, or blamed those who were silent. If one nation committed an act of hostility against another, was it not advisable, rather than immediately to retaliate, to endeavour to adjust the matter by negotiation? He thought so, the citizens of the United States unquestionably thought so, and that our administration had great merit in so settling the late differences with Great Britain as to avoid war. It was true that the British had taken our vessels under a claim of right which they had to do so; and as contraband goods were liable to be seized, part of their conduct was clearly right by the law of nations, and a great part clearly wrong. So that it was difficult to determine which were acts of hostility. This of course required examination of facts, and adjustment of principles. The treaty wisely provided for both. For this purpose a negotiation was opened, and was in a train that he sincerely hoped would be finally successful.

Gentlemen had been greatly offended by the terms justice and magnanimity, addressed by Mr. Jay in his memorial to the British government; but now our own country was threatened, wronged and insulted, in a very extraordinary manner, no language was soft enough to be used towards their favourite Republic. This distinction was remarkable. The remarkers on inconsistency would no doubt labour for a solution of this enigma. Our real patriots would labour with them to be satisfied why the language of custom and common decency, should be so shocked in one case, and why even humility and supplication should seem too harsh for offended France in the other.

With respect to the present situation of our country with the French Republic, it was no reproach upon our government that the French had issued complaints against us.

It was said the British treaty was the ground of offence; if so, he hoped there was not a drop of American blood that

was not carried with rather more heat and rather more hurry through the heart by such a declaration. No nation, he hoped, would ever have such influence over the people as to dictate to us what form of treaty we should make with another nation. It was an insult that marked the utmost influence of spirit on one side, and its lowest abasement on the other.

No cause of offence, Mr. Ames said, could justly be taken on account of that treaty, since the French treaty was in common with our other treaties declared to be of prior force by an article of Mr. Jay's, and were the articles of the two treaties to clash, those of the French treaty would destroy any opposing article in that made with Great Britain, so that that treaty would continue the law of the land, the same as if no British treaty existed. Our juries and courts could be relied to carry the law of the land into effect.

Information had been received, Mr. Ames said, and stated to the public in all the newspapers, that continual efforts were making in Paris to excite a spirit of animosity against this country, and this by persons who were (though unworthily such) American citizens. Whether the language held by gentlemen in this House on the present occasion would not have a tendency to increase, to encourage and to assist that spirit, he left those gentlemen to determine. Whether to say we were wholly in their power; that they were the only power which could annoy our territory, that they were invulnerable and irresistible and we defenceless, that they were in the right and we in the wrong, was becoming any character but that of a Frenchman. If we are on the eve of a war, said Mr. Ames, I blush for gentlemen who can use such language, at a moment when the power with whom the war was contemplated is offering injuries and menaces to our country. If the event were to be war, he acquitted the administration of blame. It had not provoked it; but it was, if we may credit such various and concurring information as we had, owing to the intrigues carried on in Paris. What auxiliaries they may have here, he would not pretend to say. It had been there represented that there was a division of sentiment betwixt the government and the people of this country, and that they (the French) had only to speak the word, and the government would fall, like other despotisms, which they affected every where to overturn. If this was the fact, and so it had been represented, this House and this whole country ought to shew it no countenance, he thought it the

duty of the place where he stood to make it manifest to the French nation it would not be borne ; that in case of extremities he did not balance for a moment which country he should declare for, that of strangers or his own.

Mr. Ames said, he himself did not believe there was any chance of war. The French could have no pretext for it and as little interest or desire to drive us to that alternative. As this kind of threat he doubted not, was to answer a certain purpose, and was timed at the very moment when it was expected to fix it; when that business had passed over he supposed we should hear no more of war. We may suffer many wrongs, and depredations on our trade, said Mr. Ames, but this country will seek redress, not by war in the first instance, but by negotiation as before. These were ideas which appeared to him very necessary to express, and which he considered his duty to advance. Whatever be our government, said he, whether perfect or not, we are bound to support it; and not, at such a period to speak of injuries and evils which are not derived from the neglect or improvidence of our government, and therefore ought not to chill the ardor of our zeal for its support. They are not true; but if they were, they should now be kept out of sight. Mr. Ames concluded with an apology for having said so much, as it was well known he did not propose to speak often, he intended to have said but little and hoped the committee would see that he had been personally called upon and therefore would excuse him.

Mr. GILES said, the gentleman from Massachusetts (Mr. Ames) had charged him with improperly exposing the weakness of our country. The French Directory, said Mr. G. knows the situation of this country as it respects our commerce better than I do. There are circumstances in the United States as well known to them as to any gentleman in this House. He deprecated war, and he spoke of the disadvantages we should labour under, that gentlemen may be cautioned against it. He begged the gentleman to look back upon the very brilliant remarks he made the last session on the power of Great Britain, and how unable the country was to meet them. Mr. G. then thought war much less probable than now; he then begged us not to provoke a war. With respect to the probability of a rupture with France, he wished gentlemen seriously to consider: it was a well known fact that the powers of their minister was suspended. This, it was insinuated, was to have an influence on a certain election. This he thought was too improbable to be imagined.

No man can be at a loss to conjecture at present, and we can with safety venture on the remark, that things begin in earnest to take a serious aspect. When, he would ask gentlemen, did they see this country placed in so critical a situation as our present with the French Republic? The time when that gentleman saw danger of a war, had not so serious an appearance as the present: the British minister was not then recalled nor his functions stopped. From the revocation of the British edict of the 6th November, he never thought there was danger of a war with that nation. But, he said, he felt serious danger with respect to France at this time.

The gentleman from Massachusetts (Mr. Ames) had alluded to information from Paris. If he supposed there was any other than communications between individuals, he was mistaken. Mr. G. said he had lately seen a friend from that country, a man well informed, who had given him information of affairs there, and who assured him that they were much offended at the British treaty. Much had been said about improper correspondence with France, but he did not know of any thing treasonable in his connection. He believed some gentlemen had had idle dreams a great while; they are the wild phantoms of these gentlemen's imagination. Ideas, merely the fabrication of visionary and prejudiced minds.

Mr. KITCHEL thought we had given a very good proof that we are not the most enlightened people in the world by this discussion, and if we declare to the world that we are, that declaration will be a still more glaring proof; it appeared to him quite unnecessary; he thought it spending a great deal of time to no purpose, it was not important enough for that waste of time when the session was to be so short; he therefore wished the question to be put.

Mr. SITGREAVES agreed that a very useless and improper latitude had been assumed in the discussion, and he thought that a few moments would not be mispent in recalling the attention of the committee to the real question before them—The assertion that we are the freest and most enlightened nation in the world was found fault with, and while some gentlemen moved to strike it out altogether, others proposed to qualify it in different ways. Mr. S. believed that, in any modification of the expression, the criticism was in itself extremely unimportant; and if, as some gentlemen had treated it, it was a mere question of decorum, he should feel perfectly indifferent

whether it was rejected or retained. But when he heard one member deny that we are the most free, and another that we are enlightened; and most especially when he heard that the expression was contended to be improper with relation to the acts and the administration of the government, he confessed it did appear to him to be of some consequence not to part with the expression, lest, by doing so, the House should give countenance to these objections. For his own part, he believed the proposition to be true; he conceived the word "enlightened" as applicable to political illumination; and not to our rank in arts, sciences, or literature; and he considered the sentence as equivalent to an assertion that we enjoy the most enlightened system of political freedom extant.—In this view of it, he thought it literally true; and if true, he could not discern the indecorum of declaring so on the present occasion. He was strongly impressed with the propriety of the idea which he had suggested yesterday, that this should be considered as an act of intercourse purely domestic; an expression of self-gratulation on our superior happiness; which, by the forms of society, ought not to be noticed by any other nation. We may be deemed, without too bold a figure, to be speaking in soliloquy; and to listen to what we say would be no better than eaves-dropping. The indecorum would rest with those who overhear us, not with ourselves. It could not be denied that such a belief of the superiority of our political situation ought to be cherished among us; if we did not believe it, we should take shame to ourselves, because our government is the work of our own hands. If the belief that we are free and enlightened is valuable, the expression of it is also valuable, because it tends to preserve us so; it is a sentiment which we cannot dwell upon too much.

But he contended that the propriety of this or any other expression could not be justly estimated by considering it in the abstract: It ought to be viewed in its application and use. We are about to lose the services of the President, who is admitted on all hands to have been an useful and patriotic officer. The House of Representatives are desirous that he should take with him to his honourable retirement the only reward which the nature and spirit of our political institutions admit of; the approbation of his country; it will surely be admitted that we ought to give to the expression of this approbation all the value of which it is susceptible; and it is obvious, from the slightest perusal of this paragraph in the Address, that the words in question give to it all its force and

energy; and that without them it would be an unmeaning compliment. The spectacle of a nation, neither free nor enlightened, offering to its first Magistrate the tribute of approbation and applause, would neither be "novel or interesting." Since the days of history are stained with numberless instances of prostituted praise, and courtly adulation; but when it is the voluntary homage of a free and enlightened people, offered with sincerity to an illustrious fellow-citizen, it is truly a precious reward for patriotic labours. Those, who object to this expression, therefore, ought to move to strike out the whole paragraph. To reject the words would totally defeat the intended compliment; to qualify them would spoil it. Mr. Sitgreaves therefore wished to retain them as they were reported.

Mr. THATCHER said he did not think the object of the present question of much consequence, nor did he care much about it; however, he would wish to see the members more unanimous on the subject; he would therefore propose, an amendment which he thought would have some tendency towards it, which was to leave out the superlative, and let the passage read, "The spectacle of a free and enlightened nation."

Mr. HENDERSON commended the ingenuity of the last motion, as he thought it would more concentrate the ideas of the members; he would vote for it.

Mr. CHRISTIE's motion was then put and negatived.

Mr. THATCHER's motion was put and passed in the affirmative.

Mr. LIVINGSTON asked, if it would be in order to make a motion on any part of the Address on which no question has been taken. The Chairman answered yes. He then moved to strike out the words "*tranquil prosperity with the period*" and insert *present period with that*. He said he had two reasons for wishing this motion might prevail. First, he objected to it, because the sentiment was not just; and secondly, because the form of wording it did not please him. He could not say this was a time of tranquil prosperity, were he to do so, he should mock the misery of his constituents, whose distresses were so evident; could he so speak when he saw trade on decline, and commerce ruined; embarrassments which conspire against the assertion; and while he saw an impropriety in that declaration of our tranquillity and prosperity, he could not compare our misery and wretchedness to the nations in Europe, involved in war, with which the comparison is drawn; he thought, therefore, that the language of the ad-

dress might be retained, while it drew consolation from that view, although it is not perfect tranquility and prosperity. The other objection he had to the passage was the wording of it; which he should not have thought of so much consequence as to have grounded a motion on it alone, but it appeared in so close connection with the amendment proposed, that he included it. He thought there was an inaccuracy to compare "tranquil prosperity" to "period;" how tranquility could be compared with a speck of time, to a period, he knew not; he doubted not the impropriety of the present expression would appear evident. He hoped, notwithstanding that tenacity on mere wording, which had been so adhered to by some gentlemen in the course of the debate, that all would agree in the address. He should be extremely hurt could he conceive that we differed in an expression of gratitude and admiration to that great man: while he was desirous to express this, he could not do it at the expence of his feelings or principles. The former he might sacrifice, but the latter he could not to any man; he hoped in all his proceedings to attend strictly to principle. He said he made these observations to make room for another motion tending to this subject when this was dispensed with.

The amendment was put and carried. 42 affirmative, 37 negative.

Mr. L. then moved to strike out the words from the next paragraph "wise, firm and patriotic administration" and insert in their place, *your wisdom, firmness and patriotism has been*. He could not say that all the acts of the administration had been wise and firm. But he would say that he believed the wisdom, firmness and patriotism of the President had been signally conducive to the success of the present form of government; he was willing to give him every mark of respect possible, but he believed some of his public acts of late rendered the present motion necessary.

Mr. W. SMITH opposed the amendment, as he thought the gentleman who proposed it conceived the words to imply more than was meant by them; they are not meant to include every act of the Executive. He thought that the administration in general had been wise, firm and patriotic; that the wisdom and firmness of the President had been conducive to the success of the present form of government. Had not the words been put in the reported address, he thought it would not have been of consequence whether they were ever inserted; but the difference is very great; now they are inserted they

are made public, and to erase them now, and substitute words in any manner deficient in sentiment to them, would be to carry censure and not respect. That the administration of that valuable man has been wise and conducive to the good of this country, will not admit of a doubt; and for us to rob him of that honour which is his due, would be insult; and any thing short of the words in the address he thought would not carry a proper mark of respect.

Mr. GILES observed that he thought the administration had been very deficient in wisdom. Many gentlemen, he said, were very particularly opposed to the British treaty, and to the great emission of transferable paper. Could it then be supposed these gentlemen could in this instance so change their opinion? The gentleman last up had said, that because the words were in the reported address they ought not to be struck out. He thought that the House had now as much power to act as, though the committee had made no report. He thought they ought not in any way to be influenced by the report of the select committee, but act as though they had to form the address themselves. He believed that the President possessed both wisdom and firmness, he was willing to compliment the President as much as possible in his personal character, but he could not think it applicable to his administration. He thought the amendment proposed would meet his concurrence, and he hoped it would be agreed to.

Mr. GILBERT hoped and presumed that the motion of his colleague would not obtain. He understood that that House addressed the President in answer to his speech always as a public man, and not in his private capacity. How extraordinary then will it appear in this House to refer only to his private conduct: It is in substance complimenting him as a private man while the very words reprobate him in his public station. We are now to address him as President of the United States. We may tell him of his wisdom and his firmness, but what of all that unless we connect it with his administration.

Mr. CRAIK said, the gentleman from Virginia (Mr. Giles) seemed to think the matter very immaterial whether the discussion on this address took place in a committee of the whole or in a select committee; in his view it was an object of the first magnitude, however gentlemen may think proper to declare on it in point of form. It was now made public, and it would have considerable effect on the people at large;

this report and all the discussion on it will be published in the papers. Much has been said in this debate against the Chief Magistrate. The principal reason urged for striking out the expressions in question, was grounded on the opinion, that some of the President's administration had not been wise or firm. Some object to them on the ground of the British treaty; some on account of the emissions of transferable paper. If the amendments proposed are adopted, it will readily be taken that the President's conduct has not been wise, firm, nor patriotic; for if we take it from his public character, it will be to very little purpose to give it him in his private, as we address him as a public man. He thought he had displayed in his public, as well as private character, wisdom, firmness and patriotism. And were there, he asked, a majority in that House who would agree to a tacit reflection on the President's administration while they were willing to compliment him as a private character? it was justly observed by the gentleman last up that the form of the motion would rob him of his good name as a public officer. Mr. C. said he sincerely felt as he hoped a great majority in that House felt, a sincere sense of gratitude due to that character, and a desire to express his unequivocal opinion of approbation and respect for the President's wise, firm and patriotic administration.

Mr. ISAAC SMITH.—The sin of ingratitude is worse than the sin of witchcraft, and we shall damn ourselves to everlasting fame, if we withhold the mighty tribute due to the excellent man whom we pretend to address. Posterity throughout all future generations will cry out shame on us. Our sons will blush their fathers were his foes. If excess were possible on this occasion, it would be a glorious fault, and worth a dozen of little sneaking frigid virtues. I abhor a grudging bankrupt payment, where the debtor is much more benefitted than the creditor. The gentleman from Virginia misrepresents his own constituents; I am sure he does all the rest of the union. On the present occasion we ought not to consult our own little feelings and sensibilities. We should speak with the heart, and in the voice of millions, and then we should speak warm and loud. What! "Damn with faint praise?" And suppress or freeze the warm energetic grateful sensations of almost every honest heart from Maine to Tennessee. I will not do it. Every line shall burn. This is a left-handed way of *adoring the people*.

Mr. DAYTON (the Speaker) said the motion then before

them was of great importance, and every man who thought favourably of the President's administration should there make a stand. For if the words were struck out, it would convey an idea to the world that it was the opinion of that House that the administration of the President had neither been wise or patriotic. Gentlemen might very well concur in the address in its present form, who did not think that every single act of the President had been wise and firm, since it was his administration in general which was referred to and not each individual act. He hoped therefore the amendment offered would be decidedly opposed, and that the words proposed to be struck out would be retained.

Mr. PAGE thought that Mr. Livingston's amendment properly confined the compliment to the President. Without it that compliment would be extended to all those that had any share in the administration of the government of the United States. Senators, Representatives, and heads of departments must share it with him. Mr. P. was willing to give credit to the President for his wisdom, firmness, and patriotism, of which he had seen sufficient proofs in the course of his administration; but he conceived that after what had been said, with too much warmth on both sides, that there was no propriety in using expressions in the address which can possibly convey an idea that the House meant to compliment the wisdom, firmness and patriotism of any other man. Mr. Page looked upon the amendment as conciliatory, and as conveying the true meaning of the committee of the whole. He was not willing to censure the President for following advice which he had thought constitutionally binding on him. He was as much unwilling to give others credit for his virtues.

Mr. HEATH said, gentlemen seemed to have various opinions and entertain very different ideas about the manner this address would apply to the President. It appeared to him that the manner in which the address now stood could not possibly involve any difficulty. He did not see the amendment of the gentleman from New York (Mr. Livingston) would any way answer the purpose of the address; it would not be attended with sufficient force to convey the respect necessary on the present occasion: applying only to the private character. The wording, he said, would not appear well according to the amendment: after the words "present form of government" the words would be altered to refer entirely to the public character of the President. He liked

the phraseology of the address as reported much better than the amendments, and he hoped they would remain without alteration.

Mr. W. LYMAN did not see it so unimportant as some gentlemen who had spoken on the subject, whether the words be introduced or not ; as the words related to an applause of the government he should vote for the amendment. It was desirable, he said, to keep out of view as far as possible any difference of opinion on such subjects ; but since it was brought into view and discussed, he should, with other members, speak his opinion. He never should abandon his sentiments, he said, till he was convinced they were wrong. If, says he, we insert the original words in the address it will be giving our general approbation to the public conduct of the President, while it makes impression on the minds of the people that the opinions of many of us who have disapproved of adopted measures are changed. If this clause goes into the address, and we do not speak our opposition to it, it will be telling the world that we were wrong in our former ideas on those measures. He must think in many instances the President had done wrong : he did not pretend to arraign his motives, they were probably pure ; he thought he had misjudged ; when called upon by this House to deliver up the papers, at the last session, relative to the negotiation of the treaty with Great Britain and he refused : he believed in withholding them he did wrong. He thought he misjudged in sending an Envoy to England to negotiate, and through the whole business of the treaty.

This was his opinion at that time, and he never had changed it nor should he ever change until he saw reason so to do. Now, Sir, said Mr. L. am I to tell the world that I approve the measures of that man while I declare these opinions ? such an assent would prove my instability and weakness. I am willing to acknowledge that I believe the President possessed of as much wisdom, firmness, and patriotism as any man, but cannot believe it has dictated his administration. I believe he has been very serviceable to the formation and support of the present form of government. If the adulation were to be stretched farther than this acknowledgement it would become bombast.

How gentlemen who had disapproved of many of the former measures of the Executive could now vote for their general approbation he was at a loss to account : He did not, like many members, think it immaterial whether the words

were used or not, he thought if the original passed it would prove many of their former acts were wrong. Is any gentleman convinced he was wrong in opposing these measures? if so, let him say so, let him manifest it; but if he was then right he must now be wrong if found approving the conduct of the government. Every day proves, said Mr. L. that these measures were enormous, and with this evidence he should vote for the amendment.

Mr. GALLATIN thought the words objected to were conceived to mean more than they really did mean, by gentlemen who supported the present motion; nor could he conceive how the words firmness and patriotism proposed to be inserted could apply to any thing but the public character of the President. On the first view of the address, Mr. Gallatin said, he thought with the gentlemen from New York and Virginia, and it was not without considerable hesitation, that he brought himself to agree to this part of the address. He found, however on further examination, that they did not go so far as he at first thought they did. Had they approved of every measure of the President of the United States he should have voted against them; but, in the first place, he would observe, that his administration did not include legislative acts; so that whatever evils had arisen from the funding or banking systems, were not to be charged to the President. They did not mean to pay compliments to themselves, but to the President; therefore the words in question related only to the administration of the President alone, and not to those officers of state which had been supposed by some gentlemen. The first question was then, whether that administration had been marked with wisdom, firmness and patriotism? And he would briefly say, so far as related to the internal situation of the country, it had borne these marks. He did not recollect any instance, where he could say, here was a want of wisdom, or there of firmness or patriotism. If they proceeded to foreign affairs, a great number of members were found (he for one) who wished that certain acts had not taken place; and, if he thought in giving approbation to this Address, he was approving of these measures, he would certainly vote against it; but as the gentleman from South Carolina and New Jersey (Mr. Smith and the Speaker) had observed, as the approbation went to the administration in toto, it had respect to no particular act. Nor did he believe the literal sense of the words would apply to the business of the late treaty. (He read the words) the most

clear meaning of these words related to the present government and constitution. And the word "success" could apply to those parts of administration only which had had time to be matured. He did not believe that at the present period it could be said that the treaty with Great Britain had been successful, and therefore could not be included, within the meaning of the expression. Not meaning to pledge an approbation of that act, and not conceiving that the sentence could have such a meaning, he would vote against the proposed amendment, and for the original.

The question was put on the amendment and negatived. The committee then rose, reported the address, with the amendments; when the House took them up, and having gone through them,

Mr. SITGREAVES wished to know at what time it would be in order to move an amendment in the fourth paragraph of the address; on being informed by the Speaker that he might do it as soon as the report of the committee of the whole should be gone through with; Mr. Sitgreaves then observed, that some gentlemen had thought that the address as reported by the select committee had not sufficiently expressed our earnest desire to preserve peace and restore the harmony which had heretofore subsisted between America and France, and an amendment had accordingly been proposed yesterday to give additional emphasis to this sentiment. As no gentleman on the floor could estimate more highly than he did the blessings of peace, or more sincerely wish for its preservation, he felt no disposition to object to an expression of this sentiment in language the strongest that could be devised and therefore he had acquiesced in the amendment which had been proposed, although he thought the address was well enough before. But, he said, there was another sentiment of at least equal importance, which ought on all occasions to be the inseparable companion of the other and which ought always to be as unequivocally and as emphatically expressed, to wit, the determination to respect our own rights and to maintain our own character, in case the restoration of harmony between the two countries should, from any untoward circumstances, be rendered impracticable without a sacrifice of the one or a violation of the other: These two sentiments he contended should, on no possible occasion of difference among nations, be disunited; they should always appear side by side, and have equal height and equal breadth; and since an amendment had prevailed to

give additional size to one of them, he made the present motion with a view to restore the equilibrium. He presumed it would not meet with any opposition; because the sentiment was right and just in the abstract; and because the expression of it was proper to give aid and countenance to the Executive in any existing negotiations. But if gentlemen would recur to what had been advanced by the gentleman from Virginia (Mr. Giles) who had moved the other amendment, the propriety of the present one would strike them with irresistible conviction. That member, who professed to speak with a competent knowledge of the subject and from sources on which he could place perfect reliance had declared that whatever ignorance might be affected by us, or whatever ostensible grounds might be assigned, the whole dissatisfaction of the French republic might be resolved into a resentment at the treaty lately concluded with Great Britain, and that for this reason they have violated the positive stipulations of our treaty with them, have ordered their cruizers to make depredations on our commerce, and have suspended the amicable functions of their minister here. M. S. next adverted to what is said by Mr. Adet, who in his note to the Secretary of State declares that these evidences of a well founded dissatisfaction "are to last until the Executive of the United States returns to sentiments and measures more conformable to the interests and friendship of the two nations." On this combined view of the subject, if the statement made by the gentlemen from Virginia was correct as to their discontents, and if the menaces of the minister were to be relied on as to their continuance, Mr. Sitgreaves said he was apprehensive the negotiations could not end amicably. On such terms, he was very free to confess, that he did not wish they should end amicably; if peace and friendship with the nation of France was only to be preserved by an abandonment of a compact recently made with another nation, by a sacrifice of our independency and free agency, he did not wish on such terms to preserve peace with them. He could never consent to deliver up our honor and our rights to any nation on earth—and on such a condition he did not think the friendship of any country was worth the purchase. He thought it of importance to discountenance any expectation that such an abandonment of our national rights and dignity could be at all suffered, and that we should speak on the occasion a language equally distant from defiance and submission, but which could not be misconceived or misunderstood.

He observed further, that the French minister had affected to draw a line between our government and our people, and to insinuate that the acts of the one were not in unison with the feelings and wishes of the other—such a mistake ought by all possible means to be corrected; and it behoved us to declare, beyond the hazard of misconstruction, that whatever differences of opinion might have prevailed among ourselves with respect to any measures of the administration, we should nevertheless all unite in one sentiment of self respect, and of inviolable determination to resist foreign aggressions and insult from abroad—we owed it to ourselves and our country to accompany our sincere desire for peace and harmony with the unequivocal assertion of regard to our national dignity and independence.

He moved therefore to strike out the words from “while” to “countrymen” and to insert at the end of the paragraph the following “at the same time we assure ourselves that your just confidence in the fortitude, self-respect and patriotism of our citizens will not, in any event, be disappointed, and that they will, on no occasion, forget what is due to the character and dignity of our government and country.”

Mr. Sitgreaves said, before he laid the amendment on the table, he would just observe, that the address as reported by the select committee had been, as was stated by the Chairman, Mr. Ames, the result of accommodation and compromise in the committee; and if the draft had been acquiesced in by others he would not have desired to disturb it. It would have been more agreeable to him however if something like the amendment had been adopted there; and now, that additional force had been infused into the expression of one sentiment, he conceived he was every way justifiable in attempting to express the alternative with equal emphasis.

Mr. NICHOLAS said he took it for granted, the gentleman just sat down understood the meaning of his own motion better than him. He had stated that we would aid the Executive in any negotiations he may undertake: he was not willing to do this. He had avoided speaking any thing in the course of the debate on the present dispute between this country and France. He was even silent when he heard insinuated that the misunderstanding between the two countries was fomented by American citizens in Paris. He had meant, indeed, at some future time, to have asked the gentleman who made the assertion, for the ground of his information, as he doubtless knew the circumstance of which he

spoke so confidently to be on a good foundation. He had avoided speaking on that subject, because it was not right to enter into things in that state concerning a nation with whom we were about to be involved: he thought the expression singular and imprudent. He considered the dispute with France as not yet ripe for discussion. The President has told us he reserved this subject for a future communication. He said he had very little information on the subject himself; he had not yet even read the French minister's note, having been but few days in the city: he said he was charged by his constituents to do what was right; and was he to pledge himself to support what the Executive should do? he had no doubt but the President would conduct himself so, as to settle matters amicably with that Republic, but he should think himself unpardonable to pledge himself to any thing he did not know. He thought their proceeding very extraordinary: he however thought a rule of this house would afford a remedy, which was by calling for the previous question. He therefore moved the previous question.

Mr. HARTLEY said he feared the house was exposing these things too much, as it would find its way into every newspaper; he thought the house not called upon to enter into it so far as the motion of his colleague went. Great care he said should be taken in entering into business of this kind, in its unripe state, probably the President was now adjusting the matter amicably, and particularly at this time we ought not to take any steps that has the least appearance to invite contention with that nation or any one upon earth; this business is not before the house now; he wished, as much as that gentleman, for information on the subject: but as information was not sufficiently before the house, he should think it more wisdom to be satisfied till it came in its proper course. He therefore hoped the gentleman would not force his motion upon the house, but withdraw it. When there seemed to be a disposition in this house to be unanimous, he hoped it would not be disturbed by such a motion. They had a delicate part to act, and he hoped they should not do any action for which they would have reason to blame themselves hereafter.

This nation he said had difficulty enough to keep out of broils. The world were now armed at all points, and we are not. If war was declared against France, he hoped it would be done unanimously.

At the motion of a member, the clause was read as amended.

Mr. BAILEY called for the yeas and nays, and on division 25 members appeared in the affirmative.

Mr. SITGREAVES was very sorry that his motion should cause any thing like alarm in the mind of his colleague; and was still more at a loss to conceive on what it could be founded: the amendment which he had proposed did not convey the most distant implication of hostility; yet his colleague seemed to think so when he talked of a declaration of war. Mr. S. had taken pains to express very unequivocally his earnest desire that peace and harmony should be preserved, if possible, consistently with our national honor; and could not help wondering at his having been so much misconceived.—His colleague had said they should wait for information. Mr. S. did not know what information was wanted, or could be necessary before the adoption of his amendment: It was not of a nature to require any. The President had stated that circumstances of a disagreeable complexion had occurred in our relations with the French Republic. He had expressed his regret at these differences; and his desire to cultivate peace and a good understanding; but he states further, that, in doing this, he shall not forget what is due to the character of our government and nation. These sentiments, which ought eternally to be combined, the President had not separated; why then should they be separated by the house? The amendment proposed to go no further than the President had done; it repeated his language, and contained nothing more than an assurance of that support which the Executive was entitled to receive from the representatives of the people. It contained not a single expression that could justly be deemed irritating or offensive to the French or any other nation; and any idea of that kind must arise out of the gentleman's own feelings, and not from any thing in Mr. Sitgreaves's proposition: he was so perfectly satisfied with the expediency of holding a language at once moderate and firm on this occasion, that he could not consent to withdraw the amendment; and was glad that the yeas and nays were called, which he should have done himself if it had not been done by others. He was solemnly impressed that the sentiment could not be disavowed without a sacrifice of national honor, and that the circumstances of the times demanded the declaration of it.

In reply to the gentleman from Virginia, Mr. Nicholas, he said that the amendment could not be considered, but by a most distorted construction, to pledge the house to the sup-

port of any specific measures, or of all the measures which might eventually be adopted by the Executive ; it pledged them only to such a conduct as circumstances might render proper for a preservation of our character and independence as a nation, and this pledge he hoped would never be abandoned or forgotten.

Mr. CLAIBORNE hoped the question on the amendment would not be taken at all. Will this, he asked, be a paper fit to put into the hands of your negociator ? in this time of danger to authorise him to say to the French nation, if you will not be satisfied with our conduct, we are not disposed to accede to any other terms : that gentleman's motion, he said, surely carried an extremely hostile aspect ; he thought such language would have a bad effect. We ought not to pretend to negotiate with a sword in our hand. Men did not like to negotiate with a dagger at their breast. He hoped no question would be taken on words that must tend to hostility, but that we should take every means towards a preservation of peace with the French Republic.

Mr. GILBERT could see nothing in the question that had the least hostile appearance ; nothing that alluded to a declaration of war ; he was surprised how gentlemen could so interpret the motion ; he thought it would be very unbecoming in a nation to talk of negotiation without that patriotism which tends to prevent incroachments. He thought these ideas were so closely connected with a just national dignity as body and soul. He should support the motion.

The Speaker said gentlemen went too far, the previous question was the point to which they must confine themselves.

Mr. W. SMITH wished to know what debate could take place if the members mouths were to be muzzled, and prevented from speaking their sentiments ; he certainly should speak it while in order.

The Speaker insisted upon the member confining himself to the point of order.

Mr. SMITH said, he now rose to express himself on the propriety of adopting the amendment, and against the previous question. Some gentlemen say, that the resolution had better not be entered into now. He differed from them in that ; he thought if any declaration at all was made, it ought to be now ; his reasons were, because we are now answering the President's speech ; and the circumstances which have lately occurred seem to call for such a declaration, and because in withholding it we run great risks, in as much as

we hold out a new idea to the French government that we are so alarmed by the note of their minister as to throw ourselves on the justice and moderation of the Republic. He thought there was much need to assert our national dignity, and prove that we do not throw ourselves on the mercy of that nation. Gentlemen have said they had no information on the subject; they surely could not be unacquainted with the appeal of the French minister to the people of the United States. He thought it was just for the members of that House to speak on the subject. In that minister's representation to the people, he has said that his nation is offended with ours, and that they will continue so until our government returns to itself by a change of its conduct. This is the very time, Mr. S. said, for those gentlemen who were convinced that our government has acted in its proper character; that we have not been changed by any act or threat of the French; this is the proper time for them to come forward and express the full reliance the Executive may have in the co-operation and support of this House. Surely there was no threat in this; the threat does not come from us, it comes from that Republic. The President informs us that he has done all he could towards an amicable settlement of the business, but that notwithstanding all they persisted in their complaints; however, he says he shall go on to pursue those measures which may tend to produce harmony; at the same time he shall not forget what is due to our nation; he closes the subject on the communication with the French with that sentiment; and can we avoid expressing our wish that he would so do, at the same time declaring that he may place a firm reliance in our willingness to support his endeavours? The French minister is offended on account of the treaty we have made with Great Britain; he considers that we have violated our neutrality; if he pursues this idea we must be involved with one or other of those nations; and while we are in this dilemma, at such a serious period as this, will gentlemen say that it will be improper for us to declare to the President that we will pursue and support the measures of government? we could not do less. Mr. S. said he thought it necessary to make these observations, in which he had kept himself as much in order (about which we are so hampered) as possible. This, said he, is the proper time to make such a declaration, as we may not have another, and he could not see how it was to be avoided at this time. He hoped the amendment would be agreed to.

Mr. HARTLEY wished that part of the address to be read with the clause proposed for amendment; which was done, and the Speaker, at the same time, read the rule of the House on the subject of order, and begged gentlemen to regard it. Mr. Hartley then said that he had mentioned to the House some time since that it would be prudent in this House to wait till the expected communication was made, before the subject underwent any discussion; that having not been attended to, he should so far deviate from his own ideas, as to offer a word on the subject. He was surprised, he said, that the British treaty had offended the French minister. Certainly we have a right to form such a treaty as a majority of the Legislature approves. He was still sorry that the business had undergone so much discussion at this time, as he thought our present situation so critical that we ought to act with the greatest caution. But from the new views he had taken of the subject, he should support the motion of his colleague, as their support to the government was become so necessary.

Mr. HARPER conceived it to be strictly in order to shew that the proposed declaration was proper to be passed at this time. If he had a right idea of the previous question, it could not have an effect to smother debate. He should therefore, go on to state one or two things which he thought important, and he would begin by declaring, that if he believed the resolution went to the pledging the House to any particular measures they hereafter might see reason to disapprove, he would not only vote for the previous question, but against the motion altogether. If he understood the motion, it went no further than to say, "we join you in wishing to preserve the most sincere amity with the French Republic; but if all means to attain it fail; if it should happen, that notwithstanding all the exertions used, peace cannot be preserved, we shall hold ourselves bound to support you." If Gentlemen examined the amendment, they would find it contained no more than this. If this was the declaration, he would ask (A member desired to know of the Speaker whether Mr. H. was in order. The Speaker replied it was impossible to say how the Gentleman meant to apply what he had said. He desired him to go on) Mr. Harper said it was his intention to shew that the main question ought to be taken, and appealed to the feelings of every heart—to those honourable feelings of patriotism which distinguished American citizens, whether this was an improper declaration? If it were improper, he had widely misconceived their duty.

He should think it the deepest disgrace to be at any moment free from the operation of these feelings. And, if this sentiment was honourable, he said, there could not be any occasion in which it would be improper to express it to other nations, declaring that we will guard the rights of our nation preserving peace if possible ; but that in the other alternative we fear not to support our government. He knew of no situation in which it would be improper to express these sentiments. Are we according to the sentiments of some gentlemen to say to the American people, that we will use all honourable means, and if that will not do that we will act dishonourable ? Mr. H. said if he believed all that had been said of our inability, of that submissive spirit which had been spoken of, he would join with gentlemen in their opinion. So weak, so out-cast a set of men, should not disgrace such sentiments by uttering them. But he believed they should do right to utter them (Mr. W. Lyman called Mr. Harper to order.)

The Speaker said the gentleman was out of order. Mr. H. was about to go on, but the Speaker informed him he could rise only to explain. The question was here put ; Whether the member might rise to explain ? 54 members appearing in the affirmative, it was carried. (The Speaker read the Rule on this subject, observing that it was with pain he was forced to declare the member out of order.) Mr. Harper rose, and the Speaker wished to know whether he appealed from the chair to the House. He answered in the affirmative ; and on leave being given, he explained to the House, that he meant to shew that the main question ought to be put, as a proper declaration to be made at this time. He complained of this strictness against him ; which was closing his mouth on an important question ; he however submitted to the House. The sense of the House being taken, he was declared out order, 50 votes being against him, he then sat down.

Mr. VENABLE expressed his surprize that any member should have so persisted in forcing himself in this way upon the House in contradiction to the will of the members, the injunctions of the Speaker, and the express rules of the House.

Mr. W. SMITH wished to know who had made this gentleman (Mr. V.) a sensor on the business.

The previous question was then called for by five members, " shall the main question to agree to the said amendment, be now put ? "

It passed in the negative. } Yeas 39.
 } Nays 49.
 O

The yeas and nays being demanded by one fifth of the members present, those who voted in the affirmative, are,

*Fisher Ames,
Theophilus Bradbury,
Joshua Coit,
William Craik,
James Davenport,
George Ege,
Abiel Foster,
Dwight Foster,
Ezekiel Gilbert,
Henry Glen,
Chauncey Goodrich,
Roger Griswold,
Robert Goodloe Harper,
Thomas Hartley,
William Hindman,*

*Samuel Lyman,
Francis Malbone,
John Read,
Samuel Serwall,
Samuel Sitgreaves,
Nathaniel Smith,
Isaac Smith,
William Smith,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson,
John E. Van Allen,
Peleg Wadsworth, and
John Williams.*

Those who voted in the negative, are,

*Theodorus Bailey,
Abraham Baldwin,
David Bard,
Thomas Blount,
Nathan Bryan,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Isaac Coles,
Henry Dearborn,
George Dent,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Gallatin,
William B. Giles,
James Gillespie,
Nicholas Gilman,
Christopher Greenup,
Andrew Gregg,
William B. Grove,
Carter B. Harrison,
Jonathan N. Havens,
John Heath,
Thomas Henderson,
James Holland,*

*Andrew Jackson,
George Jackson,
Aaron Kitchell,
Edward Livingston,
Matthew Locke,
William Lyman,
Samuel Maclay,
Nathaniel Macon,
James Madison,
Andrew More,
F. A. Muhlenberg,
John Nicholas,
John Page,
Josiah Parker,
John Patten,
John Richards,
John S. Sherburn,
Israel Smith,
Richard Sprigg, jun.
William Strudwick,
John Swanwick,
Philip Van Cortlandt,
Joseph B. Varnum, and
Abraham Venable.*

The amendment of Mr. Sitgreaves was therefore laid aside.

Mr. BLOUNT then moved to strike out the following clause in the last paragraph ; “ For our countries sake, for the sake of republican liberty, it is our earnest wish that your example may be the guide of your successors ; and thus after being the ornament and safeguard of the present age, become the patrimony of your descendants.”

And on the question thereon,

It passed in the negative. } Yeas 24.
 } Nays 54.

The yeas and nays being demanded by one fifth of the members present, those who voted in the affirmative, are,

*Theodorus Bailey,
 David Bard,
 Thomas Blount,
 Gabriel Christie,
 John Clopton,
 Isaac Coles,
 Albert Gallatin,
 William B. Giles,
 Christopher Greenup,
 John Heath,
 James Holland,
 Andrew Jackson,*

*George Jackson,
 Edward Livingston,
 Matthew Locke,
 William Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 Andrew Moore,
 Josiah Parker,
 John Patten,
 John Swanwick,
 Joseph B. Varnum, and
 Abraham Venable.*

Those who voted in the negative, are,

*Fisber Ames,
 Abraham Baldwin,
 Theophilus Bradbury,
 Nathan Bryan,
 Thomas Claiborne,
 Joshua Coit,
 William Craik,
 James Davenport,
 Henry Dearborn,
 George Dent,
 George Ege,
 Abiel Foster,
 Dwight Foster,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 Ezekiel Gilbert,
 James Gillespie,*

*William Hindman,
 Aaron Kitchell,
 Samuel Lyman,
 James Madison,
 Francis Malbone,
 F. A. Muhlenberg,
 John Nicholas,
 John Page,
 John Reed,
 John Richards,
 Samuel Sewall,
 John S. Sherburne,
 Samuel Sitgreaves,
 Nathaniel Smith,
 Israel Smith,
 Isaac Smith,
 William Smith,*

*Nicholas Gilman,
Henry Glen,
Chauncey Goodrich,
Andrew Gregg,
Roger Griswold,
William B. Grove,
Robert Goodloe Harper,
Thomas Hartley,
Jonathan N. Havens,
Thomas Henderfon,*

*Richard Sprigg, jun.
William Strudwick,
Zepheniah Swift,
George Thatcher,
Richard Thomas,
Mark Thomson,
John E. Van Allen,
Philip Van Cortlandt,
Peleg Wadsworth, and
John Williams.*

On the question being about to be put on the answer as amended, Mr. Blount wished the yeas and nays might be taken that posterity might see *he* did not consent to the address.

The main question being put,

It was resolved in the affirmative, } Yeas 67.
Nays 12.

The yeas and nays being demanded by one fifth of the members present, those who voted in the affirmative, are,

*Fisher Ames,
Theodorus Bailey,
Abraham Baldwin,
David Bard,
Theophilus Bradbury,
Nathan Byran,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Joshua Coit,
Wm. Cooper,
Wm. Craik,
James Davenport,
Henry Dearborn,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Jesse Franklin,
Nathaniel Freeman, jun.
Albert Hallatin,
Ezekiel Hallbert,
James Gillespie,
Nicholas Gilman,*

*Thomas Henderfon,
Wm. Findman,
George Jackson,
Aaron Kitchell,
Samuel Lyman,
James Madison,
Francis Malbone,
Andrew Moore,
F. A. Muhlenberg,
John Nicholas,
John Page,
Josiah Parker,
John Patten,
John Reed,
John Richards,
Samuel Sewall,
John S. Sherburne,
Samuel Sitgreaves,
Nathaniel Smith,
Israel Smith,
Isaac Smith,
William Smith,
Richard Sprigg, jun.
William Strudwick,*

Henry Glen,
Chauncery Goodrich,
Andrew Gregg,
Roger Griswold,
Wm. B. Grove,
Robert Goodloe Harper,
Carter B. Harrison,
Thomas Hartley,
Jonathan N. Havens,
John Heath,

John Swanwick,
Zephaniah Swift,
George Thatcher,
Mark Thomson,
John E. Van Allen,
Philip Van Cortlandt,
Joseph B. Varnum,
Peleg Wadsworth, and
John Williams.

Those who voted in the negative, are,

Thomas Blount,
Isaac Coles,
Wm. B. Giles,
Christopher Greenup,
James Holland,
Andrew Jackson,

Edward Livingston,
Matthew Locke,
Wm. Lyman,
Samuel Maclay,
Nathaniel Macon, and
Abraham Venable.

Resolved, That Mr. Speaker, attended by the House, do present the said address; and that Mr. Ames, Mr. Madison, and Mr. Sitgreaves, be a committee to wait on the President, to know when, and where, it will be convenient for him to receive the same.

The several orders of the day were further postponed until to-morrow.

Adjourned at a quarter past 4 o'clock.

Friday, December 16.

Mr. AMES from the committee appointed to wait on the President to know when, and where he would receive the answer of this House to his address, reported that he had appointed to receive it at his House this day at two o'clock.

The Speaker laid before the House, a report of the commissioners of the Sinking Fund, stating the amount of their purchases, since their report of the 18th December 1795, which was ordered to lie on the table, and the usual number of copies printed.

A petition was presented from Wm. Crowley Jordan of Philadelphia, stating the advantages that may be derived from the culture of silk worms, and the establishment of a manufactory of that kind in this country, which he supposes peculiarly calculated to their improvement. He prays the aid and patronage of Congress. Referred to the committee of commerce and manufactures.

The Speaker laid before the House a letter and report of the Secretary of the Treasury, accompanied with estimates of the sums necessary to be appropriated for the service of the year 1797; also, a statement of the receipts and expenditures of the Treasury of the United States, for one year preceding the first of October 1796, which were read and ordered to lie on the table, and, on motion, to be printed.

On motion of Mr. Gallatin it was resolved that a standing committee of ways and means be appointed, whose duty it shall be to take into consideration all such reports of the Treasury Department, and all such propositions, relative to the revenue, as may be referred to them by the House; to enquire into the state of the public debt; of the revenue, and of the expenditure; and to report, from time to time their opinion thereon. Mr. W. Smith, Mr. Gilman, Mr. Malbone, Mr. Bradbury, Mr. N. Smith, Mr. Israel Smith, Mr. Greenup, Mr. Gilbert, Mr. Isaac Smith, Mr. Gallatin, Mr. Patten, Mr. Hindman, Mr. Madison, Mr. Blount, Mr. Baldwin and Mr. A. Jackson were appointed to that committee.

A petition was presented from sundry inhabitants of Lunenburg, (Virg.) praying, that a post road may be established from Goldson's to Mecklenberg, by the way of St. Tammany, and from Mecklenberg to Lunenburg, and that the road from Mecklenberg to Peytenberg be discontinued.—Referred to the committee on post offices and post roads.

Mr. Sherburne presented a memorial of Jean Baptist Dumon, son and heir of J. B. Dumon, late of Beauport in Canada, praying to be reimbursed certain advances, made by the deceased, for the support of the army of the United States, and also for losses and injuries sustained in his person and property, by adhering to the American cause during the war.

Mr. GILBERT said this memorial had been before the House last session, and decided against, he thought if there were not some new circumstances displayed in the case it could not again be recommitted to the same committee.

Mr. LIVINGSTON hoped it would again come under the consideration of the House, although it was the last session rejected, yet the very peculiar hardship attending this man would apologize for the return of the memorial; besides, he said, it was acted on at the last session in a very thin House, and opposed by a very small majority.

Mr. SHERBURNE said there had been instances before of

petitions which were rejected at one Congress, being brought forward at another : he said last session when this memorial was called up from the table, he was not present, which was necessary in order to speak on his knowledge of the case : the circumstances attending its rejection at that time, he thought would allow it again to be presented.

Mr. GILBERT could not place it on the footing of right. He said it being before that House last session, and not a different Congress conspired against its appearance now ; how far it was right to suffer the same business perpetually to come before the House, he should leave gentlemen to judge.

Mr. HEATH.—I hope Sir, no gentleman within the walls of this House will ever limit the rights of petitions. I hope the doors of this House will never be shut against petitioners. It is probable this case may be somewhat varied, circumstances may appear more clear ; I therefore hope it will be acted on. We frequently have the very same case come forward after being rejected, and in the same session, only it has been presented with another face. I hope we shall not be strictly confined within the forms of a petty court of justice. We may act upon a more general, and I hope, more generous scale.

Mr. SWIFT said, he wished the door to be as extensive to petitioners as any person ; he believed they should not have the same petition in exact the same words : when a petition states new facts, it would be well to suffer it to come forward, but to have the same petition come forward, time after time, year after year, and be as often rejected, he thought improper to encourage. It is not to be presumed that the House would change opinions. If it was stated differently, and yet only the same facts remaining as before, he thought it did not change its nature ; he did not see any new evidences in this memorial.

Mr. HEATH said no person could charge his memory whether the memorial was the same or not, he wished it to be referred to the committee to examine it, their report would speak to that.

Mr. SWIFT thought they might be compared, and if found the same reject it, if not commit it.

Mr. THATNER did not think the gentleman's reasoning last up was sound. "If the same reject, if not refer it." He thought there was no reason in this, why it should not be referred to the committee : It might be the same petition, and might have been rejected because it had not proper evi-

dence, but it may now have new evidence in its favour, and there may be good reason to support the claim now, though there was not before.

It was then referred to the committee of claims.

Mr. SWANWICK moved the following resolution, which passed: "Resolved that all petitions which, during the last session of Congress were referred to the committee of commerce and manufactures, and not by them reported on, be referred to the present committee on that subject."

Mr. WILLIAMS moved, that according to the order of the day, the House resolve itself into a committee on the petition of the Canadian and Nova Scotia refugees.

Mr. PARKER opposed it, on account of going into a committee on the President's Speech: he said, there were many important points in it which required a speedy discussion.

Mr. WILLIAMS said, these petitions had waited two or three years for the decision of Congress, it would take but few minutes, he therefore hoped it would be acted on. It was lost.

Mr. PARKER moved for the House to go into committee on the President's Speech.

Mr. THATCHER said, it had been usual for the answer to be presented first: if that had been the practice, it ought to be preserved, however, he thought it not right to take it into consideration until an answer was presented.

Mr. PARKER said, the answer was agreed to, which he thought the same; if, said he, we wait on the President at two o'clock, it will then be too late to take it up, and he thought there was now time enough before that, to go through it; as when we adjourn it will most likely be till Monday, he said some progress would be made before Monday, without loss of time. The session would be so short there was need to improve it all.

The House then resolved itself into a committee of the whole, Mr. Muhlenberg in the Chair.

The Chairman read the President's Speech by paragraphs.

Mr. PARKER moved the following, "Resolved as the opinion of this committee that provision ought to be made for carrying into full effect the treaty with the Dey and Regency of Algiers."

Mr. HEATH would be thankful to the mover for information what provision had been made last session, and what deficiency there might be, as he supposed the gentleman had sufficiently acquainted himself with the circumstance.

Mr. PARKER said he could not inform the gentleman, he was no way acquainted with the arcana of the war office, what had been done he had no knowledge of. He supposed it would be best to refer it to a committee, and when their report came forward, it would inform the house. He said it was the business of that house to forward an inquiry into a circumstance which to his view was necessary.

Mr. GILES hoped the resolution would not take effect; he thought we ought not to decide on the merit of the case until the business came before the house; he thought it quite premature. It ought at least to be suspended till we have a knowledge of the proper sum necessary to carry it into full effect. He was not prepared to vote for it.

Mr. BALDWIN said such a subject ought to be referred to a committee; the committee of ways and means he thought the most proper to examine into it and report thereon.

Mr. PARKER had no objection to any modification the subject may take, so that it comes before the house.

Mr. SWIFT could not see what the committee of ways and means could do with it: but he thought it the duty of the house, to inquire what was necessary to answer that purpose. He meant to vote for the motion.

Mr. PAGE objected to it in point of form; he said a committee of the whole could not refer to any other committee. The chairman informed the members that in the form the question was put, there appeared nothing inconsistent with order.

Mr. SITGREAVES said they ought to wait the arrival of the statement of accounts from the proper department before any resolution was passed on the subject.

Mr. THATCHER hoped at present the resolution would not be agreed to, as he thought it quite premature; no doubt as the President had made mention of it in his speech he would make a communication on that subject. It had been unusual to expect a communication till we had answered his speech; he thought we ought to wait that communication: he will inform the house the necessary sum for that purpose.

On a division the motion was negatived.

The several resolutions hereafter mentioned were also agreed to by the committee, which having been severally taken up by the house were twice read and adopted.

1. *Resolved*, That it is the opinion of this committee, that an inquiry ought to be made into the state of the naval equipment, ordered by former acts of Congress; and whether

any and what other naval force shall be necessary for the protection of the commerce of the United States, and the support of their flag.

Mr. Parker, Mr. Livingston, Mr. Harper, and Mr. Sherburne, were appointed a committee pursuant to the same.

2. *Resolved*, That so much of the President's speech as relates to the encouragement of manufactures, be referred to the committee of commerce and manufactures.

3. *Resolved*, That so much of the President's speech as relates to the promotion of agriculture, be referred to a select committee, Mr. Swift, Mr. Gregg and Mr. Brent were accordingly appointed.

4. *Resolved*, That inquiry ought to be made whether any, and what alterations are necessary to be made in the compensations allowed by law to the officers of the United States.— A committee was accordingly appointed of nine members. Mr. Dearborn, Mr. Davenport, Mr. Williams, Mr. Hartley, Mr. Murray, Mr. Page, Mr. Franklin, Mr. Baldwin, and Mr. A. Jackson.

5. *Resolved*, That inquiry ought to be made whether any, and what further measures are necessary to reinforce the existing provisions for the discharge of the public debt. On motion it was referred to the committee of ways and means.

6. *Resolved*, That inquiry ought to be made into the actual state of the fortifications of the ports and harbours of the United States, and whether any, and what further provision is necessary on that subject. A committee of seven members was accordingly appointed for that purpose. Mr. W. Lyman, Mr. Coles, Mr. Gilman, Mr. Baldwin, Mr. Thomson, Mr. Patten, and Mr. Van Cortlandt.

On motion,

Resolved, That the committee of the whole on the state of the Union be discharged from the consideration of so much of the President's speech as relates to the establishment of a national university, and that the same be committed to the committee on the memorial of the commissioners at the Federal city.

A message from the Senate by Mr. Otis, their Secretary, informing the house that they had passed the bill to amend the act for the more general promulgation of the Laws of the United States.

Mr. SITGREAVES moved, that the bill to provide for organizing, arming, and disciplining the militia, presented the 25th of January last, be committed to a committee of the

whole house : which was carried and made the order of the day for Monday next.

Mr. VENABLE from the committee of elections reported, that on examining the several certificates on the election and return of the new members to sit in this house, it appears that George Ege, Andrew Jackson, William Craik, James Davenport, Samuel Sewall and William Strudwick, are entitled to take their seats in the house.

Some conversation took place on the manner to dispense with this report on elections : it was the wish of many of the members that a question should be taken on the agreement of the house to the report of the committee ; others agreed that the house proceeded so only in contested elections. It was at length resolved to let the report lie on the table, and the reason given was, that gentlemen may have opportunity to examine the credentials.

On motion it was resolved, That the several reports and statements from the Secretary of the Treasury, relative to the annual expenditures of the war department from the commencement of the present government to the 31 December, 1795—to laying and collecting direct taxes among the several states, agreeably to the rule prescribed by the constitution ; and to estimates of the sums necessary to be appropriated for the service of the year 1797 ; and receipts and expenditures at the Treasury of the United States, for the year preceding 1st of October 1796, which were laid before the house this session, be referred to the committee of ways and means.

Mr. WILLIAMS said he thought there was time to go into the business of the Refugees from Canada and Nova Scotia. The house divided ; sixteen members only rising in the affirmative it was lost.

A petition was received from John Conrad Latour, praying relief in consideration of wounds received and services rendered to the army, while a lieutenant, during the war, which render him incapable of supporting himself. Referred to the committee of claims.

On motion it was resolved, that Mr. A. Foster and Mr. Bailey be appointed a committee for enrolled bills, on the part of this house, to act jointly with such committee as the Senate shall appoint for that purpose.

Mr. LIVINGSTON moved that the petition from the loan offices be now considered. It appeared by a conversation among the members that this business had been last session re-

ferred to the committee of claims, but whether reported on or not, the house never took it up ; nor was it inserted among the unfinished business. It was then resolved, that the several memorials and petitions of Nathaniel Appleton, commissioner of loans for Massachusetts ; of James Ewing for New-Jersey ; of William Skinner for North Carolina ; of Joshua Green, Richard Duryee and others, clerks in loan offices, presented to the house at the last session, be referred to the committee on the subject of compensation.

Mr. MALBONE moved, that so much of the report of the committee of claims, made the 11th of January last, as relates to the petition of Jabez Barney, be committed to a committee of the whole house, and made the order of the day for Monday next, which passed.

On motion of Mr. Dearborn, Resolved, that the report of the committee of claims made 15th January last on the petition of Reuben Colborn be committed to a committee of the whole on Wednesday next.

The speaker attended by the house then withdrew to the house of the President of the United States, and there presented to him the following address, in answer to his speech at the opening of the session :

S I R,

THE house of representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject, and a sense of duty can inspire.

We are gratified by the information, that measures calculated to ensure a continuance of the friendship of the Indians, and to maintain the tranquillity of the *western* frontier, have been adopted ; and we indulge the hope that these, by impressing the Indian tribes with more correct conceptions of the justice, as well as power of the United States, will be attended with success.

While we notice, with satisfaction, the steps that you have taken in pursuance of the late treaties with several foreign nations, the liberation of our citizens, who were prisoners at Algiers, is a subject of peculiar felicitation. We shall cheerfully co-operate in any further measures that shall appear, on consideration, to be requisite.

We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate, and it is, of course, with anxiety and deep regret we

hear that any interruption of our harmony with the French Republic has occurred : for we feel with you and with our constituents, the cordial and unabated wish to maintain a perfectly friendly understanding with that nation. Your endeavours to fulfil that wish, and by all honourable means to preserve peace and to restore that harmony and affection, which have heretofore so happily subsisted between the French Republic and the United States, cannot fail, therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect and fortitude of our countrymen, we cherish the pleasing hope, that a mutual spirit of justice and moderation will ensure the success of your perseverance.

The various subjects of your communication will, respectively, meet with the attention that is due to their importance.

When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the present period with that immediately antecedent to the operation of the government, and to contrast it with the calamities in which the state of war still involves several of the European nations, as the reflections deduced from both tend to justify as well as to excite, a warmer admiration of our free constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God for the beneficence of his providence, by which its administration has been hitherto so remarkably distinguished.

And while we entertain a grateful conviction that your wise, firm and patriotic administration has been signally conducive to the success of the present form of government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

As no other suitable occasion may occur, we cannot suffer the present to pass without attempting to disclose some of the emotions which it cannot fail to awaken.

The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted reluctantly, a second time, the retreat you had chosen, and first accepted the presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the pa-

triotism and success which have characterized your administration. As the grateful confidence of the citizens in the virtues of their chief magistrate, has essentially contributed to that success, we persuade ourselves that the millions whom we represent, participate with us in the anxious solicitude of the present occasion.

Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind, than valuable to a Republic.

Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success and public estimation; yet we conceive we owe it to you, Sir, and still more emphatically to ourselves and to our nation; (of the language of whose hearts we presume to think ourselves at this moment the faithful interpreters) to express the sentiments with which it is contemplated.

The spectacle of a free and enlightened nation offering by its representatives the tribute of unfeigned approbation to its first citizen, however novel and interesting it may be, derives all its lustre (a lustre which accident or enthusiasm could not bestow, and which adulation would tarnish) from the transcendent merit of which it is the voluntary testimony.

May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear: May your own virtues and a nation's prayers obtain the happiest sunshine for the decline of your days and the choicest of future blessings. For our country's sake, for the sake of republican liberty, it is our earnest wish that your example may be the guide of your successors, and thus, after being the ornament and safeguard of the present age, become the patrimony of our descendants.

To which the President made the following reply.

Gentlemen,

To a citizen whose views were unambitious; who preferred the shade and tranquillity of private life, to the splendour and solicitude of elevated stations; and whom the voice of duty and his country could alone have drawn from his chosen retreat; no reward for his public services can be so grateful as public approbation, accompanied by a consciousness that to render those services useful to that country, has been his single aim; and when this approbation is expressed by the representatives of a free and enlightened nation, the reward

will admit of no addition. Receive, gentlemen, my sincere and affectionate thanks for this signal testimony that my services have been acceptable and useful to my country. The strong confidence of my fellow citizens, while it animated all my actions, ensured their zealous co-operation which rendered those services successful. The virtue and wisdom of my successors, joined with the patriotism and intelligence of the citizens who compose the other branches of government, I firmly trust will lead them to the adoption of measures, which, by the beneficence of Providence, will give stability to our system of government ; add to its success ; and secure to ourselves and to posterity that liberty which is to all of us so dear.

While I acknowledge with pleasure, the sincere and uniform disposition of the house of representatives to preserve our neutral relations inviolate ; and with them deeply regret any degree of interruption of our good understanding with the French Republic, I beg you, gentlemen, to rest assured, that my endeavours will be earnest and unceasing, by all honourable means to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between our two nations ; and with you, I cherish the pleasing hope that a mutual spirit of justice and moderation, will crown those endeavours with success.

I shall cheerfully concur in the beneficial measures which your deliberations shall mature on the various subjects demanding your attention. And while directing your labours to advance the real interests of our country, you receive its blessings ; with perfect sincerity my individual wishes will be offered for your present and future felicity.

G. WASHINGTON.

The house being returned, and the members resumed their seats ; the speaker laid before them a letter from the secretary of the treasury, accompanying a statement, exhibiting the amount of the draw-backs paid upon the dutiable articles exported from the United States, in the years 1793, 1794, and 1795, compared with the receipts of duties on similar articles, during the same period, made in pursuance of a resolution of this house, the first of June last, which were read and ordered to lie on the table.

Adjourned at three o'clock.

Monday, December 19.

The Speaker laid before the house, a certificate and return from the governor of Rhode Island, of the election of Elisha R. Potter, in the room of Benjamin Bourne, appointed a District Judge; who took the usual oath and his seat in the house.

Mr. W. SMITH said that the bill to provide for organizing, arming and disciplining the militia of the United States was among the orders of the day, as that business had been a considerable time in hand, he wished it now to be taken up, in order to determine the principle, whether the militia should be continued upon its present footing, or whether it should be divided into two classes, viz. a select corps and a reserved corps, as contemplated by the present bill. It could undergo any alterations for its improvement that may be necessary without new modifying it. Until this question was decided nothing could be done. For his own part, he said, he was no military man, but he had made it his business to inquire into the subject, and he found it to be the opinion of those well versed in military matters, that the plan proposed by this bill could not be carried into effect with success. He wished, however, the house to come to the decision. If it was their wish to continue the militia upon the present plan, and not adopt the plan proposed by the bill, the first clause could be struck out—if this motion should be agreed to, he should then move for the committee to rise, and a select committee to be appointed to prepare such alterations as may be proper for its general acceptance: this would considerably shorten the business; and as the session would be a short one, the sooner the house went into the business the better; he therefore hoped the house would resolve itself into a committee of the whole on that subject.

The house accordingly resolved itself into a committee of the whole, Mr. Muhlenberg in the chair, when the first section of the bill was read, which is in the following words,

Sec. 1. " Be it enacted, &c. That from and after the passing of this act, the militia of the United States shall be composed of all able bodied white male citizens of the respective states, resident therein, who shall, respectively, be of the age of twenty years, and under forty years. That the said militia shall be divided into classes, the first class to be denominated the select corps of the militia of the United States; the second class to be denominated the reserved corps of the mi-

litia of the United States. The select corps of the militia of the United States shall be composed of all able bodied white male citizens, respectively, who shall be of the age of twenty years, and under the age of twenty-five years. The reserved corps shall be composed of all able bodied white male citizens, respectively, who shall be of the age of twenty-five years, and under the age of forty years : Provided, That, in the choice of officers, either of the select corps, or reserved corps, no respect shall be had to the limitations of age aforesaid, the foregoing regulations to be subject, however, to the exemptions hereafter specified."

Mr. Smith then said, that in order to come at the right method, he should move to strike out the first section of this bill, as above ; at the time this bill was under discussion at a former period, there was much opposition to this clause : the great expenses it would incur ; the great inconveniency, and the general embarrassment that would attend it, in the drawing a number of industrious people from their business to form companies, were mentioned as great difficulties : he hoped that a select committee would be appointed who may devise a better scheme than the present system appeared to be, —in many states he said the militia was upon a very good regulation, in others, it was upon a very bad one ; he hoped therefore his motion would be agreed to.

Mr. DEARBORN said he should second the motion, and with the same view as was expressed by the mover ; that the business may be shortened by preventing a long discussion of the several parts, which would waste much time ; and take up the whole at once. It appeared to him that the bill would not pass the house, as there were many parts of it he thought inadmissible into a militia system ; and he said, the same objections would be made to them as had been before. The first clause including the select corps, he said, was repugnant to the will of the people ; however, to that part of the country with which he was acquainted ; he hoped that clause would be struck out, in order to a recommitment of the bill.

Mr. HARPER believed considerable difficulty and embarrassment may attend the mode of organizing the militia specified in the first clause of the bill ; but he thought it an essential method towards forming a complete military system, which he thought the old way not efficient in, he therefore hoped this alternative would be adopted. Which of the two Mr. H. asked, would the committee prefer, a complete system, or

one which had been found to fail so materially of its object, as the one now used ? It is said that this plan will be attended with very considerable expence. He believed any effectual military system would be attended with considerable expences, whether the military, necessary for the defence of the country, is to consist of several select corps ; or a standing national establishment, (which was not wished by any) or whether of the whole body of the people capable of bearing arms ; each will be attended with a heavy expence. It has been said that to draw our youth from their homes and labour to be instructed in military duty would not only lessen the stock of labour, and consequently of national wealth, but be an injury to their morals : the time they were to remain in encampment to learn discipline would be so short, that he thought the objections of gentlemen on that ground would vanish, if they would consider. It is said that two or three weeks will be enough for this purpose ; and that the most convenient time would be in the fall season, and the same length of time, some other season in the year, would be sufficient.—Persons in agricultural lives, it is well known, can at some seasons be well spared from their labour, without any particular inconvenience for that short time, and if that is too long at a time, one week will be better than no time ; they will be able even in that little time to acquire some knowledge of military exercise ; thus, Mr. H. supposed that difficulty was avoided. With respect to the morals of the youth being injured, as had been suggested, he would observe that it was not contemplated to bring them into large encampments, nor to keep them long at a time, nor to be quartered in towns, either of which may possibly have a bad tendency : besides, the military discipline they would be kept under, and the military duty to be attended to, would preclude them from running into excess or disorder, as they will, while there, have enough to do during the whole week ; the design is, to let their encampments be in small numbers, to prevent contamination. He acknowledged those objections may have some foundation, and were in a small degree in existence, but the importance of the advantages to be derived from such a plan as this, he believed, considerably overweighed them.—As a proof that the present system is very defective, we may appeal to the many communications from the President on the subject ; also, the very raw, and undisciplined nature of those now termed militia, when they are called out ; and the evidence of military officers in general : witness a recent

instance, when the militia was called out ; the chief support of that expedition depended upon voluntary public spirit, and entirely, or nearly, independent of any militia laws : it was more from individual patriotism for the public service, than by any existing compulsive laws.

If then the present measures will not prove efficacious to accomplish so advantageous an end, it must be altered : and how must we alter it ? While we keep in view the formation of a national army of the whole United States, must we follow the old system ? If you will not arm the people, and subject them to military duty, where is your force ? You must either give up the idea of an efficient military force, or you must adopt a mode similar to that now proposed, and abandon the existing system.

This brings us to the plan proposed in the present bill.—Whether the precise manner of modifying the principle of this bill be a right one ; whether disciplining all persons between 18 and 25 years of age be right or not, he would not say, that he would leave the committee to decide ; there possibly might be a preferable regulation proposed, if so, he should be very willing to vote for its adoption, but something was necessary to be done, or the idea of our national defence must cease. Gentlemen from some parts of the country were not so strikingly impressed, nor so well informed of the necessity of this measure as he was. Mr. H. professed to be pretty well acquainted with the eastern states. The whole body of the militia could there be collected in a small circumference, as they were thick settled ; but when you come to a part of the country, where to assemble a company of militia you must traverse 20 or in some places 40 miles square, this plan becomes impracticable. Admitting that the present system is wholly incompetent or improper where the settlement is thin, the question then is, whether the system proposed in its stead would be injurious to the more thickly settled parts of the country. In the eastern states some additional burden may be laid on the people, and some inconveniencies may there be felt ; but would they be more than is now felt in some other parts : he believed the present system had greater inconveniencies attending it in some places, and to greater extent than could possibly attend this new system : in short, he believed it would be every where practicable, even in the eastern states ; although possibly not so necessary, yet he thought it would be of great service, while he was so sensibly impressed with these ideas, he could not agree

to strike out the paragraph : he hoped it would have all the amendment it was susceptible of, but he hoped the form of the clause would be retained, and that the bill would be discussed throughout ; but he believed no other system would be so serviceable as this, in half of the United States.

Mr. SITGREAVES confessed he felt a difficulty to decide on the subject now before the committee. He had not the honour of a seat in that house when the subject underwent a discussion ; he must confess the ideas of the gentleman from South-Carolina appeared to be just. With respect to the state of Pennsylvania ; from all the knowledge he had of it, and the conversations with a number of military officers, who had universally concurred, and he sincerely thought, that there was an absolute necessity of new arrangements, to give force and efficacy to the military system. None can doubt of the bravery and patriotism of our citizens ; but bravery alone will not effect our security, without a military system to call forth that bravery into proper use : if bravery alone would do, our military arrangements would be ineffectual : true discipline, he said, was the life and soul of an army ; an army well disciplined, with bravery could encounter every difficulty. If it is true that discipline is the only effectual way to obtain that desirable end, we had better use our utmost exertions to carry it into force, if it can only be acquired by a mode like that specified in the present bill, neither trouble nor expence should stand in the way of its accomplishment ; trouble or expence is not of that consequence, as that we should avoid the main means to our national security. Mr. S. could not conceive that a day or two in a year was sufficient to acquire a sufficient stock of military knowledge, it was well known that that day or two, very great imperfections attended the arrangement, and no advantage was derived. He should therefore wish to hear stronger objections to the plan before he could vote for striking out the clause in question.

The bill before them, Mr. Sitgreaves said, was the system of Baron Steuben. He knew this was a favorite system with the citizens of this state, and that it would prove very acceptable to them. It was said, there were some states in which the militia is on a good footing, and requires no amendment ; he wished some of the gentlemen from those parts would inform the committee of the means which were there taken, to make their military system so useful, that we may make use of similar measures in the middle and some of the eastern

states ; if not he should not consent to part with the plan now proposed.

Mr. HENDERSON said there was not a person in the committee more disposed to amend the present military system than he ; but he must confess not a person could object to the measures now proposed more than himself. Two or three grounds of objection operated in his mind against the government going into this amendment, and he had not heard an argument that could remove them. What he had to observe on the subject came into his mind only since the discussion began. As to the principle of the bill, he thought it a bad one. In a republican government, military service ought to be as equally divided among its citizens as possible ; this would not be the case, if the present system was carried into effect ; it is but a small proportion of our citizens who are included between the ages of 20 and 25 years ; he therefore supposed that the burden would fall entirely upon one fifth of the people ; of these a considerable part would pay their equivalent to be excused from serving ; thus the poorer and most indigent class of citizens will have the defence of the nation entirely thrown on them.

Mr. H. also thought the measure unconstitutional. It appeared to him that the general government had no power to call out people to train them for military service : he rather thought it ought to be left with the different states to call out their own citizens to military discipline.

With respect to the policy of the measure, Mr. H. thought the plan of this bill would be subjecting the United States to a very heavy expence ; more than Congress would like, or at present could spare. Suppose the select corps consist of 100,000 men, which could not be rating too high ; this he should suppose to cost between three and four million dollars ; he thought this a very great sum, the saving of which would be an important measure.

The plan he thought objectionable on another ground : it was but very few years since the general government new organized the militia ; since which the states scarce had time to regulate their systems, to make them agreeable to the general government. This new system would cause a new derangement, were they called upon again to change their system. Should we then encourage the agitation of the public mind, already too much agitated, by adopting measures which would prove unpopular, and disagreeable. Mr. H. believed the state of New Jersey, which he had the honour

to represent, had a very respectable militia, and the law they had established had been very effectual to promote that purpose : that state had very good troops, both horse and foot, which were supported at individual expence ; they prided themselves in a respectable corps : he liked a militia will, better than a militia law. And shall we discourage this spirit, by an act which shall blast its endeavours ? He hoped not. It appeared to him this would at once damp that spirit which tends to security. He hoped we should never adopt any compulsive laws. If government only retains the confidence of the people, the militia of, at least, that state (of which Mr. H. knew most) would be ready at any demand the government should make of them.

The gentleman from S. Carolina (Mr. Harper) had said, that the present system was effectual in most parts of the Union. Then Mr. H. would ask why change it ? Why relinquish that system which was effectual in the most populous part of the Union, to accommodate a widely dispersed part, inhabited by comparatively a few ? If in the eastern states, where are the majority of inhabitants, this system is found agreeable, why introduce a change. The gentleman's argument turned against his conclusion. Till he heard far more weighty arguments, he should vote for striking out the clause.

Mr. BALDWIN said his mind was made up in favour of striking out the section. It may appear rather hasty on a subject of so much importance, to take it up so soon : he had no objection to indulge gentlemen who may think so, by letting it lie over some time. It is as the gentleman first said, trying the principle. It might be recollected that this was one of the first objects that engaged the attention of the general government : it was then put to its proper trial ; it then underwent a very considerable discussion, and a very long and intelligent report was made on the subject from the military department. After going sufficiently through it at that time, it was thought not practicable to decide upon it within our own walls, until we had laid the plan before the people, that the public opinion might be ascertained. Time enough had elapsed since that, and he thought they might determine, that it appeared against the measures : they thought the plan too laborious and expensive to be worth pursuing. The principle somewhat differs now from what it did at that time ; it then not only contemplated a select and reserve corps, but a third corps was proposed. He supposed the subject was now brought up, to see whether the house is now ready to deter-

mine upon the principle. Mr. B. said he was, he was ready to vote against it ; but there may be some gentlemen not so well acquainted with it who may wish time to consider, he wished to give them that opportunity. This plan he thought not worth pursuing ; whatever we do, we must go on some other : this is not the basis on which we can, with the least prospect of safety, build our military system. Mr. B. thought the old system in use before the year 1789 might receive such improvement as to equal any yet proposed. The sooner we can decide on an efficient plan the better. He understood the mover meant the house only to determine upon the principle. However he should vote for striking out the first section, for the reasons given.

Mr. RUTHERFORD. The gentleman just sat down has so much narrowed the ground that he meant to have gone, that he could not say much more on the subject than had been. He believed the government of the United States had nothing to do with the militia in the several sovereign states ; this was his opinion, and it was the opinion of the people at large, however of nine-tenths of them. The constitution is express upon this subject ;—it says, when the militia is called into actual service, it shall be under the direction of the general government: but until that take place the several states shall have command over their own children--their own families : If the United States take it up, they will defeat the end in view ;—they grasp too much. Soon as the state has the idea that it is competent to its own business it don't like the Union to interfere with its concerns ;—when the farmer begins to obtrude his direction upon his son, just commencing for himself, all spirit is lost with the son, and perhaps he never acts in the same forward manner afterwards : so it is with the Union and her children, the states : if they are deprived of the spirit which they have cherished on this occasion all is at an end, their spirit of valour is dashed : for the government to enact militia laws, is against the express decision of the Union. With respect to its unconstitutionality Mr. R. joined in opinion with the gentleman from New Jersey, (Mr. Henderson) this law would tend to alienate the minds of the people of the eastern states whose militia were already well disciplined. Mr. R. could say that as far as relates to the state he represents, they have done what he thought right,—they have entered into military array, they wanted no new regulations in the militia laws. The law proposed he thought would cross-cut all the exertions of the

individual states. Soon as the United States came to obtrude their laws into the eastern states, where they have brought the militia into a very respectable situation, he feared it would blast their further endeavours. He hoped nothing more would be done in that house, than to advise those states who had neglected their militia to revise and amend their laws, and make them more effectual : this is all this house can do,—all they have a right to do.

Mr. SITGREAVES hoped, the business would not be delayed ; in which he differed with the gentleman from Georgia, (Mr. Baldwin) he thought there would inconvenience arise from postponing it. He said it was proper that haste in this decision should be attended to, that the states might know how to proceed ; they waited to know what Congress did on the subject, to direct them what to do themselves ; their different legislatures would then act accordingly ; he knew this to be the case with the state of Pennsylvania ; Mr. S. was not tenacious of his own opinion upon the principle of the bill, but he wished a hasty decision ; it having undergone much discussion he should not beat over the old ground.

Mr. HARPER was far from being of opinion that the bill should be disregarded ; after so much pains had been taken, he did not think it rightly to be dispensed with. It ought to be recollected that this bill has been the result of the deliberation of two committees of two different sessions, which consisted of men of good talents, and well versed in military concerns ; who had seen the defects of the present system. He thought, therefore, that when a system had been brought forward with so much care and from such authority, it ought not to be turned out of the house with so little ceremony. He wished to know what gentlemen would give in the stead of this bill. He would observe that to make objections was very easy : it was very easy for a gentleman to get up and say he did not like the bill, but he ought also to shew us the remedy ; he ought to present us with a system more excellent, else his opposition is of no force. Did gentlemen pretend to say the present system is good ?—it could not be presumed : we had the evidence of the President of the United States, who has in three several communications made to this house, told us, it wanted legislative attention : he called the evidence of every military man in this house, and in the United States to prove the truth ; let gentlemen tell us where is the man that complains of the principle of this system, that will improve it ; where is the man that will give us some-

thing better. The gentleman from Georgia (Mr. Baldwin) says the system has been published, and the public voice is against it : he could not conceive how far this could be the case. Mr. H. said he had not met with such opposition to this measure, although he had travelled pretty extensively almost from one end of the United States to the other, and had taken much pains to inquire the views of the people on this point ; and as far as he had opportunity to hear, the present system was admitted as bad ; and that something like the system now offered would be far more acceptable, and useful ; not that it might be as necessary in some parts as others. He could not see, as had been suggested, that the morals of the people would sustain any great injury ; the militia could be sent out in small parties to learn discipline. He thought that, without suffering any peculiar inconvenience in some of the states, they might give to the nation in general a system of great national advantage. Their labour would not be entirely lost, for an afternoon could then be devoted to business, and not prevent the learning of military discipline. When you go fifteen or twenty miles, to assemble some parts of the company, how can they collect in a day ? Longer time must be devoted, or great imperfection will be the result : it is necessary that where people live so distant, a week or two be allowed, for which reason it will infer, that this part of the existing system will be altogether impracticable.

The gentleman from Jersey (Mr. Henderson) has said, that this plan would throw an unequal burden on some descriptions of citizens. Mr. Harper thought the contrary, he thought the burden would fall equally on every description of people ; every man in the course of his life would be obliged to perform his share in the service. That gentleman further says, that many will pay the fine and thus be excused serving, but the bill contemplated no such exemption ; no man ought to be excused but from utter inability ; the plan of the bill meant, that all should at some time of life, pass through this military discipline. The age fixed upon for the select corps was a time before men in general enter into business, and thus every one passing through this military discipline would diffuse such a habit, as to be ready to defend their country whenever called to it. A man, because he was rich should not be exempt ; thus every citizen becoming a foldier ; which was essentially necessary in a free government. He hoped that, before gentlemen persisted in kicking this bill out of the

house is what he called an unceremonious kind of a manner ; gentlemen would inform the committee what they were to do, as it was certain the militia in three-fourths of the Union wanted great regulations. In some parts he allowed they were on a very respectable footing : Charlestown could produce two thousand regular, well disciplined troops. But this was not the case in general to the Southward. And are we to let our militia remain in its present situation, and throw our whole dependence on the standing army ? If gentlemen will not tell us how to remedy the existing evil, why not put this principle before us into effect. (Mr. H. here again enforced his argument from the report of the committee's, and the President's recommending it.) As to the expence, he observed, it was quite overbalanced by the great advantages that would be derived towards the support of our freedom. What efficient system could be devised without a great expence to the nation. Gentlemen's calculations run very high when they represent the expence of this select corps.

It has been said that if this bill were to pass it would derange all the present military exertions. It would not ; this select corps would draw out of that : it would not prevent the citizens forming themselves into military corps as they may think fit. They were told that these volunteer corps have equipped themselves at a very great expence, this he knew ; but he rather thought that all who composed the safeguard of our nation should be equipped at the national expence : at present the defence of the nation fell upon a few who were more rich, or more patriotic than others. He hoped the motion to strike out would not pass.

Mr. W. LYMAN said that the gentleman who condemned the present system in toto, allowed that it was effectual in some parts of the union : then it could not be so extremely deficient. Mr. L. allowed that the militia in some parts were defective—but in some parts they are in a very respectable force. He believed the present plan might be improved—but attempt to put in practice this plan of a select corps where a country lies so thinly inhabited would be impracticable, and almost impossible. With respect to the present system, the gentleman last up has made some very unfounded objections, to say that it is generally disapproved. The most objectionable part of the present system to him was, in its tending to distinguish those citizens who could not pay while it excused those who could—if this could be removed, he thought a great improvement would be introduced. The

present militia he thought would be very ready to defend the country whenever occasion should offer, either from foreign or domestic assault.

If the principle of a select corps was introduced into the country, he thought disaffection would be introduced with it, which would be found to war against the interest of the country. As soon as you carry this select corps into operation, you have no other corps to depend upon, the other is lost. And can it be supposed it will be acceptable to those who have been volunteers in the service, in a fine genteel corps? Will they condescend to be brought into this poor, compulsive situation in common with others who never have acted in the service? They will revolt at the idea. He differed with the gentleman from S. Carolina (Mr. Harper) as he believed the people would be generally dissatisfied with the bill—he should therefore vote for the motion for striking out, and before the bill went into the hands of a select committee should observe respecting another principle in the bill on exemption; which he should wave until they came to it.

Mr. HARTLEY wished a little time may be given for the consideration of this subject, as there were several new members here, who had not been present at former discussions of the subject. If they now agreed to strike out the first section it would end the proposed plan. This, he said, was not an entire new plan; he believed that in Switzerland there was a corps of a similar kind, who were always called out before others; such a thing he said had been under contemplation in Pennsylvania: he granted it must be attended to, but hoped it would not be thought in that house, that every man must bear arms; there were many conscientious people who would not on any account bear arms. This subject had been under consideration of a committee—he at that time furnished them with the Swiss code: they were armed and disciplined after this manner before this government was formed. This select corps was to be armed at the expence of the United States, this appears the most considerable objection. It is contemplated to include all from 20 to 25 years of age; this could not take any very considerable portion of the citizens from their labour. The system at present used in Pennsylvania is very defective, and though ever so, if he understood the gentleman last up, nothing was to be done upon this subject; but it was to rest where it is. He hoped the committee would rise to give many gen-

tle men who had but little knowledge on the business—time to inquire and consider on the bill.

Mr. GILBERT said he hoped the committee would rise, and urged the same reasons as the last gentleman, it not having been discussed during the present Congress.

The motion was then put for the committee to rise,

When there appeared, } Ayes 37.
 } Noes 31.

The committee accordingly rose, reported progress, and had leave to sit again.

Mr. LIVINGSTON said that there had been a committee appointed last session on the subject of improving the penal code ; but for want of some necessary information, no report had been made. That information being now arrived, and doubting not the house was still desirous of ameliorating that code, he should beg leave to lay the following resolution on the table :

Resolved, That a committee be appointed to inquire whether any, and what alterations are necessary in the penal laws of the United States, and that they report by bill or otherwise.

Mr. Livingston, Mr. Bradbury, and Mr. Isaac Smith were appointed a committee for that purpose.

Mr. GALLATIN presented a petition from Stephen Moylan commissioner of loans, for the state of Pennsylvania, praying increase of salary, which was referred to the committee on the subject of compensation.

Mr. GALLATIN obtained leave of absence for ten days.

A message was received from the Senate, informing the house, that they had appointed Mr. Stockton on their part of the committee for enrolled bills.

Mr. A. FOSTER from the committee on enrolled bills, reported, that the bill to amend the bill for the more general promulgation of the laws was truly enrolled. The speaker then signed it.

Mr. HARPER wished to know if it would be in order to move that the committee of the whole be discharged from the further consideration of the militia bill, in order to move that it be recommitted to a select committee, which he did to free it from some of the objections which had been made to it in the house. Being informed it was in order, he thereupon moved it. Impressed as he was with the importance of the principle, he could not neglect any means that may tend

to forward so necessary a measure, and to get it done as well as possible.

Mr. W. SMITH said, it having been determined in the committee of the whole to defer it until to-morrow, it was not possible again to reconsider it this day. If it was to be again brought up at this time, he hoped the house would determine whether any, and what alterations should be made in the bill, else how should the select committee know what to do with it, not being acquainted with the will of the house—he hoped that the motion would not now be agreed to ; but recommitted to-morrow to the committee of the whole.

Mr. HARTLEY was sorry the motion had been made ; he hoped the gentleman would agree to put it off until to-morrow, as there were some military men, who were not now in the house, would be very useful in the discussion.

Mr. HARPER could not think but the select committee, from this day's discussion would have sufficient ground to amend the bill agreeably to the ideas of the house ; he said it had better be referred now, as when the house had altogether rejected it, it then would be too late : they can form an idea of the temper of the house on the subject. I hope it will be referred, and if the committee are not able to do any thing with it, at least they can bring it back again in the same state they took it. He therefore must press the motion on the house.

Mr. W. LYMAN thought it not right in the gentleman to send it to a select committee for amendment at this time.—If he wished to modify it, he could propose an amendment, the result would then be known—but if sent to a select committee and their report is unfavourable, it would be all labour in vain, he therefore hoped the motion would be lost.

Mr. CRAIK said the business was so new to him, and he supposed to many gentlemen besides, that he wished it to be referred according to the motion ; he thought that one day was not enough to consider it in ; when it was new modified by a committee, it might have a very different appearance, and give general satisfaction. He had not received any information on the general state of the militia, and he wished to have some little time to collect a proper view on the subject ; great advantages may be derived from recommitting it. In many parts of the United States, the militia was very much complained of ; whether this be just or not, he could not say, but he should support the motion.

Mr. KITCHEL could not see what good was to be derived

from what the gentleman had in view. The house never came to a decision, and if a select committee be now formed, what are they to do ; very little is to be gathered from what has been said : we ought to consider the principle before we recommit it. On which account he should oppose the motion.

Mr. HEATH thought with the gentleman last up, that it could answer no kind of purpose to discharge the committee for the purpose of re-committing the bill : by its being properly discussed in committee of the whole, gentlemen could receive information, and form the best possible opinion on the subject to guide their future operations. He hoped the motion would not obtain.

The motion was negatived without a division.

Mr. HEATH said, owing to the want of sufficient energy in the revenue laws of the United States, considerable sums of money had been lost by the revenue officers ; as was seen by the reports from the treasury department. He thought a mode might be devised that a more sovereign remedy might be applied to prevent similar defalcations in future ; he should therefore move the following resolution, which he wished to lie on the table :

Resolved, That a committee be appointed to inquire whether any, and what alterations are necessary to enforce the payment of money due from the various revenue officers of the United States. Agreed.

The house adjourned at half past one o'clock.

Tuesday, December 20.

Agreeable to the motion of Mr. D. Foster it was *Resolved*, that the committee of claims be discharged from the petition of Wm. Howe, and that it be referred to the committee of the whole, on the petition of sundry refugees.

A letter was received from the Secretary of State, inclosing the annual report from the directors of the mint, suggesting the expediency of some alterations in its establishment, to render it more accommodating to depositors, and less expensive to the public—it was ordered to be referred to Mr. Page, Mr. Havens, and Mr. Goodrich ; that they examine the same and report thereon. Ordered, that the letter and papers be printed.

Mr. A. JACKSON presented a petition from James Ore of the state of Tennessee, praying compensation for five horses

which had been stolen from him by a party of Cherokee Indians, subsequent to the treaty of Holston.

Mr. W. LYMAN presented a petition from Gilbert Dench, praying to be reimbursed sundry sums of money, which he had paid on account of the United States for the transportation of military stores during the war.

These two petitions were referred to the committee of claims.

The order of the day was here called for.

Mr. DEARBORN said, before the order of the day was called, he would wish to observe, that there were a number of claims called liquidated claims, which ought not to be affected by the act of limitation ; he therefore moved this resolution :

Resolved, That a committee be appointed to inquire into, and report the expediency or in expediency of designating certain claims against the United States, to be excepted from the operation of the act of limitation.

Mr. W. SMITH said there were objections to this, last session ; as business of this kind went through the committee of claims, he thought it would be more regular for this to do so, as that committee was already appointed ; he should therefore move an amendment to strike the words " a committee be appointed," and insert " the committee of claims be instructed." Mr. Dearborn did not object, his end was answered if the business was put in any forwardness. The motion as amended was then put and carried.

The house then, according to the order of the day, resolved itself into a committee of the whole, Mr. Muhlenberg in the chair.

The question was whether to strike out the first section or not.

Mr. WILLIAMS said, a well regulated militia must be acknowledged as the best support in a free republic ; and as every man must be interested in carrying into effect such a system, it became us to pay every possible attention to this very important subject. He thought the present system very exceptionable ; and the one proposed and now under consideration, appeared to him compulsive, arbitrary, and not agreeable to the spirit of a republican government. The annual encampments would be very expensive and injurious to morals and industry. The regiments thus composed would extend over a great surface, and would want that compact solidity which military corps should possess. In the bill, all

(except those exempted) between twenty and twenty-five years of age, are to do duty. This was a period, he said, that the purest morals ought to be inculcated in youth, instead of which we might reasonably expect that a greater part of them would, in consequence of their being encamped, imbibe immoral principles, which would be exceedingly difficult to remove. Besides, this is a period that young men take upon themselves an active part in life, and begin the world for themselves.

As the clause now stood, the public must be at a very great expence, such as in our present circumstances, we are unable to bear. To agree to the first clause would be legislating in the dark, as it was impossible to know what number of citizens there were within that age, of course we cannot form an estimate of the expences. If such a system was to take place, he said, we ought to have been furnished with the number as near as circumstances would admit. But as a gentleman observed the other day, that before gentlemen negatived the present mode, they would do well to propose a better, Mr. W. said, he was of opinion, that a legionary system would not only be far preferable to the one under consideration, but be more agreeable to the minds of the people; fully as efficient, and would call for but little aid from the public.

A legion, he said, was the most efficient corps in every point of view. A select legion might easily be formed from every brigade of militia, agreeably to a certain rule of apportionment which should be fixed by law. Most brigades could form one troop of horse, one company of artillery and a battallion of infantry. The regiments which compose this brigade of reserved militia, should be divided into infantry, cavalry, and artillery classes. These classes should be determined by lot, or by the arrangement of the commandant of the brigade. Every regiment should furnish a certain proportion of infantry, matrosses and Cavalry. The classes should be obliged to furnish the men for these corps completely equipped with arms and accoutrements, with a military hat or cap, with a coattee, and a pair of overalls. The classes which furnished these legionary foldiers to be exempted from the present military regulations. They shall be denominated the reserved corps, and shall only meet on the regimental parade once in three years, to be inspected and to recruit the legion. The classes, in case of desertion or expulsion, should be obligated, by pecuniary penalties, to replace the man who deserts or is expelled.—If the classes refuse to raise the men

directed by law, or the by-orders of a superior officer, every individual of such class should be fined with severity.

The term of the legionary enlistment to be for years. During their service in the legion they might be exempted from all works on the road ; from all civil duties as jurors, and from personal tax. Every three years of service to be distinguished by some honorary badge, and that period of service to exempt the legionary soldier from all military duties, except when the country was in danger.

The legionary soldier, when his time expires, to receive a military diploma, expressive of his patriotism and attachment to law and order.—The legionary cavalry and infantry to be inspected and exercised in squads convenient to their residence times in the year by the legionary adjutant, who should be liberally rewarded by government for his military services. The artillery should be encamped days, and should be exercised and inspected by some able artillery officer in each division. This service to consist in practical experiments, and government should provide for this expence. This corps to be entitled to a superiority in point of pay, and military honour.

The legions of each state to be inspected yearly by the adjutant general of each state, whose rank and emoluments should be respectable. He should make yearly reports of the legionary corps, of the legionary adjutants and of the defects of the law to the commander in chief of the state, and to the secretary of war. He should be responsible for the good appearance and discipline of the legion, and therefore every legionary adjutant should be recommended or appointed by him. The first day the artillery should be inspected ; the second day the cavalry, the third day the infantry and the fourth day the legion should be exercised in mock engagements. The officers and soldiers of the legion to receive a compensation for loss of time.

In order to accomplish an uniformity in arms, government might furnish them and charge them to the classes at first cost. He believed most of the states could furnish the legion with arms.

The legion should bear the name of the county or brigade district, and should be officered in the first instance from the present officers of the militia ; the brigadier general of the reserved corps should always command the legion, and superior encouragement should be given to the non-commissioned

officers. The brigadier general to be responsible for the raising of the legion to apportion the requisition to each regiment, and the commandant of each regiment to apportion the regimental requisition to each company. Any neglect or disobedience of orders to be punished with severity.

The penalties of non-attendance and other offences would deserve consideration. He believed no system would be efficient, if the fines were not given to the officers commanding the companies, for their use and equipment, and no system will be so just as to determine every species of guilt by a court martial.

The court members should receive the same pay as if on any other duty.

When the legion was collected, to be subject to the article of war, except as to corporal punishment. It would be best to arrange a system for the legion from the annual reports of the adjutant general to the secretary of war, who should report annually the defects of the law.

Mr. Williams said, it appeared to him that there was a certain proportion of our citizens better calculated and more disposed for military duty than others. The principle here laid down would give them an opportunity to distinguish themselves according to their genius; but in the clause in the bill before them, all were to be considered as forming the militia, let their genius or abilities be ever so much at variance with the service. Of what use could it be, said Mr. W. to discipline men who disliked the service. In his opinion it was only a loss of time.

Mr. W. concluded by saying that he had thrown these ideas together, and submitted them to the consideration of the house. They appear to him to obviate many objections which had been urged against the bill before them, and to remedy existing evils. The house would perhaps think differently; if so, they would of course reject them. He should at all events vote for striking out the first section of the bill before them.

The question was then put for striking out the first clause and forty-nine rising in the affirmative it was carried.

Mr. W. SMITH then moved for the committee to rise, report progress and ask leave to sit again; he hoped it would be refused in order that the bill might be recommitted to a select committee.

Mr. W. LYMAN hoped before the committee rose, what related to exemptions might be tried. It appeared to him

they should decide, whether the people called Quakers and others who conscientiously refused to serve in the militia, should be indulged. He hoped the principle would be tried.

Mr. HARTLEY agreed in the same desire with the gentleman last up.

Mr. DEARBORN agreed in a desire with his colleague (Mr. W. Lyman) that the principle of the bill might be tried, but he did not think it should now be done. The general principle of exemptions goes a great way, and he thought there would be a curtail of the present laws of exemption; he thought but few gentlemen would differ on that head: But it may as well be discussed when the report of the select committee was made. A general complaint of the present system was that the burden fell on a few individuals. He was not tenacious of his opinion, but he would rather have it re-committed before much was said about it.

Mr. KITCHEL said, if the whole body of the people were formed, exemption might be allowed; but if not, he should form a contrary idea. However he thought it would be time enough to talk about it when the committee reported. He hoped the committee would rise, and that it be referred to a select committee. He therefore moved that the committee of the whole be discharged till it be re-committed to a select committee.

The committee rose and reported progress, but on asking leave to sit again, the house divided. Ayes 34, Noes 35, leave was accordingly refused.

Mr. W. SMITH then moved, that the bill be re-committed to a select committee, which was carried. Sixteen, nine and five were proposed for that committee. The question was taken on the greatest number and lost. Nine was then carried, and Mr. Dearborn, Mr. Sherburne, Mr. Williams, Mr. Thomson, Mr. Hartley, Mr. Patten, Mr. Cabell, Mr. Locke and Mr. Greenup were appointed to that committee.

Mr. COIT wished to call the attention of the house to a subject, which he thought of some importance; it was the balances due from certain states to the United States. Three years he said had elapsed since the report was made by the commissioners on that subject. He did not know what order was proper to be taken, but something ought to be done; he thought the first step would be to ask the debtor states for payment. He would therefore submit the following resolution to lie on the table till to-morrow.

Resolved, That the committee of ways and means be di-

rected to report, whether any, and what further measures ought to be taken relative to the balances which, by the report of the commissioners for settling the accounts between the United States and the individual states, were found due from certain states to the United States.

Mr. LIVINGSTON said, that by some inadvertency two clauses had been omitted in the bill for the protection and relief of American seamen. They were the clauses respecting certificates; on which the two houses had differed in opinion. What has hitherto been done to supply the want of them, has been by the President, and yet a great number of our citizens have been impressed. With a view of removing this difficulty and again bringing the subject before the house, he moved the following resolution:

Resolved, That a committee be appointed to inquire into the operation of the act for the relief and protection of American seamen, and to report what amendments are necessary to be made thereto.

Mr. Livingston, Mr. Swanwick and Mr. Grove were appointed pursuant to the same.

Mr. BLOUNT said that Congress passed a resolution in 1776, granting certain bounties and grants of lands to the representatives of officers and soldiers, who were slain in battle, which he thought equally applied to those who died in the service. He said both cases had formerly been considered as included, but latterly the secretary at war had made a distinction. He should propose a resolution to the house, in order to have a declaration of their sense upon it. The resolution was to the following effect:

“*Resolved*, that a committee be appointed to inquire into, and report their opinion, on the equity and expediency of extending to the representatives of officers and soldiers who died in the service, the advantages allowed by the resolution of Congress, Sept. 16th, 1776, to the representatives of those officers and soldiers slain by the enemy.” Ordered to lie on the table. Adjourned at one o'clock.

Wednesday, December 21.

A petition of Jeremiah Cissel, and others, pilots within the bay of Chesapeake, was presented, praying that such regulations, relative to pilots, may be made by law, as will produce greater uniformity than exists under the respective state provisions. Referred to the committee of commerce and manufactures.

A petition of Aaron Reider was presented, praying relief in consideration of wounds received at the battle of Cowpens, and at Guildford while in the army. Referred to the committee of claims.

Mr. HEATH called up the resolution he yesterday laid on the table, respecting obtaining monies from revenue officers. After some conversation on the subject between Mr. D. Foster, Mr. Heath and Mr. Coit, as to its commitment, it was referred to the committee of ways and means.

Mr. D. FOSTER, from the committee of claims, wished that committee may be discharged from the further consideration of the petitions of Charles Fierer and David S. Franks, as the petitioners were dead, and no persons appeared to prosecute the claims. They were ordered to lie on the table.

Mr. BLOUNT called up the resolution he yesterday laid on the table, on the grants to the survivors of soldiers who died in the service. On division there appeared, Ayes 37, Noes 18.

A committee was appointed for that purpose of Mr. Blount, Mr. Coit and Mr. Hathorn.

Mr. D. FOSTER from the committee of claims made report on the petitions of Absalom Baird, Daniel Byrne, and Jacob Beltzhuwer, which were read a second time, and on motion the house concurred with the committee, that they ought not to be granted, and that they severally have leave to withdraw their petitions: he also reported on the petition of Oliver Barnett the same resolution. Mr. Muhlenberg said he had some new information respecting the subject of this petition to offer, which not having yet come to hand, he hoped the decision would be postponed until Monday, which was agreed to.

Mr. PATTEN moved, that the report of the committee of commerce and manufactures made last session, respecting the kidnapping of negroes and mulattoes from different states, contrary to the laws of the said states, should be committed to a committee of the whole house. Agreed, and made the order for Monday.

Mr. MILLEDGE presented a petition from Jonas Fauche for himself and other officers and men of a troop of militia dragoons, under his command; praying for the amount of expences, balance of pay, and other emoluments due for service, on an expedition against the Creek and Cherokee Indians, from April 23d 1793, to February 29th, 1796, by order of the governor of Georgia.

Ordered, That the said petition be referred to the Secretary at War, with instructions to examine the same, and report his opinion thereon to the house.

A petition was presented from Samuel Freeman, deputy post-master at Portland (Mass.) stating the insufficiency of the compensation allowed him by law : he prays it may be rendered more adequate to his services. *Ordered* to lie on the table.

Mr. COIT moved the house to take up the resolution which he yesterday laid upon the table respecting the balances due from individual states to the United States. He observed that those balances amounted at the time of settlement, to three and a half millions, and that with the interest paid upon them, they were now four and a half, and it was therefore desirable that something should be done in the business.

Mr. WILLIAMS said it was to be lamented that they could not come at the principle upon which the commissioners had settled these balances. He thought if this matter was duly examined that those states which were made creditor states would not be found to be so. He thought the business of importance, and such as might not be hurried through the house. He did not expect the resolution would have been called up to-day, and therefore wished a few days might be allowed before it was decided upon.

Mr. W. SMITH said, the resolution went no farther than to inquire into the subject, he therefore thought more time was not necessary to it. If any thing was meant to be done in it this session, it ought to be expedited. It must come under consideration some day, he said, and the sooner the better, both for the debtor states and the United States.

Mr. W. LYMAN wished it to go into a committee of the whole house, else how could it be executed. He wished to know what inquiry could be made : If gentlemen wished to inquire, no time more suitable than in committee of the whole. The principle upon which the accounts were settled, was objected to. A select committee could do nothing with this. He wished never to refer to a select committee to have an opinion expressed. They can meet, they can inquire, they can report, but the use of it in this business would be nothing ; he therefore hoped it would at once be referred to a committee of the whole.

Mr. GILBERT said it had once been before the house.—He thought no objection could now be made to its going into the hands of the committee of the whole : various consi-

derations may then be made on the subject. He trusted a due investigation would take place, and that the matter would be rightly adjusted.

The speaker reminded the house, the motion was, to refer it to the committee of ways and means.

Mr. COIT said he had hoped his resolution was so framed as that no objection could have been made to it. Every one acknowledged something was necessary to be done. The most natural way, in his opinion, would be to make an application (which had not yet been done) to the debtor states for payment; but, since they had a committee specially appointed to adjust all money matters, notwithstanding what had fallen from the gentleman from Massachusetts (Mr. W. Lyman) to the contrary, he thought it best to direct the inquiry to be made by them.

Mr. BALDWIN said it struck him yesterday, that this was the most proper means to bring about this end that could be pursued. Some objections had been made to the principle.—He said the principle upon which the balance was struck was generally approved of. The whole of the settlement ought to be brought, and sent to the several states from whom a balance is due. He took it for granted the committee of ways and means would consider a proper method to propose for that purpose, and he thought very little difficulty would attend its settlement.

It was moved that John Sears have leave to withdraw his petition. Granted.

Mr. WILLIAMS thought some progress may now be made in the business respecting Canadian refugees; he therefore called for the order of the day on that subject. The house resolved itself into committee.

Mr. Muhlenberg in the Chair.

A considerable number of papers having been read relative thereto, together with the last report of a select committee, which was against the petitioners,

Mr. GREENUP hoped the report would be agreed to. He was upon the committee who made it. He said, in their examinations, they could find no resolution under the old government to allow these refugees the bounty of lands prayed for, and therefore he thought they ought not to be allowed.

Mr. LIVINGSTON spoke in favour of the allowance, and called for the reading of a former report in their favour, which he hoped would be agreed to.

Mr. SITGREAVES said, upon inquiry of the clerk, he found none of the reports on this subject had been printed. He himself stood in the predicament of many others who were unacquainted with the business. As it was a subject of complexity, he should therefore move that the committee rise, in order to have the papers printed.

Mr. LIVINGSTON said they had been printed last session ; he hoped the house would not long delay this business, as the petitioners had been waiting many years. He did not mind its being deferred a few days.

The committee rose and had leave to sit again, and the papers were ordered to be printed.

Mr. CHRISTIE presented a petition from John Sears.— He should assign his reasons for again troubling the house with this petition. It may be recollected, it was referred last session to the committee of claims, who had reported favourably on it. The case was so plain that there was not a man in the house that doubted the justice of allowing it. The report was agreed to, and went up to the Senate, who had no time to inquire into the facts, and therefore they never acted on it. He was encouraged to hope the same facts would again influence this house to do justice to the petitioner.

Mr. MACON thought admitting a second petition would introduce a bad precedent ; but as this case was somewhat extraordinary, as it had passed the house, it might alter the case, but he wished, as it had gone to the Senate, it had originated there now, and a bill had been brought from thence ; he felt unwilling to deviate from order.

After some conversation about order, the following resolution was moved and agreed to :

Resolved, That the memorial of John Sears, presented January 30th 1795, be referred to the committee of claims, with instruction to report by bill or otherwise.

A message was received from the President, by Mr. Craik his secretary, notifying that he had signed an act for the more general promulgation of the laws, &c.

Mr. MADISON, from the committee to whom was referred the memorial of the commissioners of the federal city, and that part of the President's speech relative to a national university, reported a resolution to the following effect, which was referred to a committee of the whole, and made the order for Monday :

“ Resolved, That it is at present expedient that authority should be given to enrol proper persons to receive, in trust, pecuniary donations, in aid of the donations already given towards the establishment of an university within the district of Columbia.”

Mr. Dearborn called for the order of the day on the report of the committee of claims on the petition of Reuben Colborn for compensation for building of batteaus and for other service during the war ; the report was against the petitioner.

The house accordingly resolved itself into a committee of the whole on the subject, when

Mr. Dearborn said this claim had engaged the attention of the house last session, and that no doubt seemed to remain with the house on the propriety of disagreeing to the report, and allowing the claim, but whether the papers had been lodged at the proper office in Boston in due time. (Several letters and papers were read to prove that the petitioner had done all in his power to get the account settled) Mr. D. hoped, therefore, that this would be one of the peculiar causes against which the act of limitation would not be permitted to operate.

After a few words from Mr. D. Foster (chairman of the committee of claims) in which he acknowledged the justice of the claim, but that it was barred by the act of limitation, Mr. Coit said, as some new facts had been mentioned, he wished the report to be re-committed.

The committee accordingly rose, and the report was re-committed.

Mr. GILMAN from the committee of revision and unfinished business made report of some laws that would expire this session, which was read and ordered to lie on the table.

Adjourned at one o'clock.

Thursday, December 22.

A petition was received from Fanny Forsyth, widow and administratrix of Major Robert Forsyth, praying that a law may be passed to release to the petitioner and her children, the title of the United States to a certain lot of land in Fredericksburg (Virg.) on which a mortgage was executed by the deceased in his life time, to the late Major Gen. Greene, and since assigned by the executors of the said Gen. Greene, to the Comptroller of the Treasury.

Referred to the attorney general to report thereon.

A petition of John Rearden, was presented and read, praying to be reinstated on the list of pensioners, from which he had been excluded without any known cause ; and also, that he may receive the arrears of his pension from January 1st 1786. Referred to the committee of claims.

Mr. BALDWIN called up the report of the committee of claims made the 29th of April last, on the petition of John Gibbons. He moved that it be committed to a committee of the whole, and made the order of the day for Wednesday next : which were carried.

Mr. PATTEN asked leave of absence for ten days. Granted.

Mr. HENDERSON moved, That the report of the attorney general, relative to the contract entered into between the United States, and John Cleves Symmes, made the 5th of May last, be committed to a committee of the whole house on Tuesday next. It passed.

Mr. W. SMITH moved that when the house adjourned it be till Monday.

Mr. COIT wished the gentleman would give his reasons.

Mr. SMITH said there was much business in the hands of the different committees, and he made the motion that they may have time to prepare their reports, none of which were now ready.

Mr. MACON said he did not recollect the house ever adjourning from Thursday till Monday ; if it ever had been done, he would willingly vote for it, as the necessity of such a measure at this time was so well known.

Adjourned at 12 o'clock, until Monday morning.

Monday, December 26.

A letter was received from the secretary at war, inclosing a report on the petition of Hugh Lawson White, which was against the petitioner. It was read a second time, committed to a committee of the whole, and made the order for Wednesday.

The several petitions of Thomas Linzey, in behalf of Paul, and Linzey, of George Lucas, of Philip Tabor and of Joshua Whitney, by Timothy Winn his agent, were presented and read ; praying compensation for services rendered and losses or injuries sustained in the army.

They were referred to the committee of claims.

A petition of John Juhel of New-York, was presented, praying remission of duties paid on certain goods imported into the United States by the petitioner, but which had been destroyed by the late fire. Referred to the committee of commerce and manufactures.

Mr. NEW moved, that the petition of Lawrence Mews collector of the district of Tappahannock, be now referred to the committee of compensation. This petition had been referred last session and not acted on. Agreed.

A bill was sent down from the senate for granting two of the principal clerks an additional allowance of one hundred dollars per annum each. It was read a first time.

Mr. D. Foster, from the committee of claims, made a report in favour of John Sears, together with a bill, which was twice read, ordered to be committed to a committee of the whole, and made the order for to-morrow.

He also presented a report in favour of William Parsons an American seaman, granting the purport of his petition.

Mr. W. SMITH, from the committee of ways and means, to whom was referred to report whether any, and what measures ought to be taken relative to the balances found by the commissioners, for settling the accounts between the United States and the individual states, to be due from certain states to the United States, reported a resolution to the following purport :

“ Resolved by the senate and house of representatives, that the President of the United States be required to give information to the several states which were by the commissioners found indebted to the United States, of the sums in which they stand indebted, together with the interest due thereon to the present time, with a request that provision may be made for paying the same as soon as possible, which may be made in any of the six per cents, three per cents, or deferred stock of the United States, in the same manner as the United States had paid those states to whom they were reported to be indebted by the said Commissioners.”

This resolution was read a second time, and referred to a committee of the whole house, and made the order of the day for Thursday next.

A petition from Amos Ailes and others, inhabitants of Red-stone, Pennsylvania, was received, praying that the grants heretofore obtained by the petitioners, for certain lands at post St. Vincents, N. W. of the river Ohio, may be confirmed to them.

A committee of Mr. Griswold, Mr. Reed, Mr. Cooper, Mr. G. Jackson and Mr. Milledge were appointed to examine and report on the same.

A memorial was presented from Joseph Nourse, Register of the treasury of the United States, praying an increase of salary. Referred to the committee on compensation.

Mr. D. FOSTER made report from the committee of claims on the several petitions of George Crookshank, Joseph Hull, John Learned, Joseph M'Cracken, and John Minor : the report states that their several claims were never made until after the time limited by law for the receiving petitions for services rendered during the war ; and no satisfactory reason appearing why application was not made in time, the committee are of opinion, they ought not to be granted. The house then read the several petitions a second time, and concurred with the report of the committee of claims thereupon.

The petition of Captain Robert Harris was reported on after the same manner.

Mr. CHRISTIE said, as the case of this last petitioner was rather extraordinary, he should move that it be referred to a committee of the whole, and made the order of the day for to-morrow. Carried.

Mr. W. Smith said he wished to lay a resolution on the table. It was well known that the city of Savannah in Georgia, had suffered in the most alarming manner, by that greatest of all calamities, *fire*, so that four-fifths of the whole town was reduced to ashes. He was desirous that some relief should be afforded to the unhappy sufferers from the treasury of the United States. He believed there was no precedent wherein similar relief had been granted. They had indeed afforded relief to sufferers from the West-Indies.—He did not mean that a large sum should be granted ; but he thought such a sum might be given, as, in conjunction with the support which they might receive from other quarters, might relieve the distress which must be the consequence of such a calamity. This resolution was in the following words :

“ *Resolved* that the sum of ought to be granted towards the relief of the sufferers by the late fire at Savannah in Georgia.”

It was read a second time, and ordered to be committed to a committee of the whole to-morrow.

Mr. SMITH called up a report made last session, to amend the excise laws on distilled spirits. The present mode of collecting that part of the revenue was very defective.

The principle of this report was, to prohibit the distilling spirits in all places except towns and villages. And that no still should be licensed of less size than four hundred gallons.

Mr. HARTLEY objected to it, because it would tend to ruin the small stills ; he therefore thought, as it must be considered of great consequence, that the house should not hurry the business on. It was then referred to the committee of ways and means.

Mr. COIT moved, that so much of the report of the committee of revisal and unfinished business as relates to the memorial of Nicholas J. Roosevelt and Jacob Mark, in behalf of themselves and their associates, which was reported on the twelfth of February last, be committed to a committee of the whole house to-morrow. Carried.

Mr. W. SMITH moved, that the bill providing for the more effectual collection of certain internal Revenues of the United States, presented May the twentieth last, be committed to a committee of the whole house on Monday next.

Mr. HARPER moved the order of the day, for the house to go into a committee on the establishment of a national university. The house accordingly formed itself into a committee. Mr. Coit in the chair.

When the report was read, Mr. Macon said, there was the word *appropriation* in the report ; he did not recollect any having been made for that purpose ; he wished to know what was meant.

Mr. CRAIK said, authority was given from the President to appropriate about twenty acres of land for the erection of this building ; this he supposed to be what was meant.

Mr. NICHOLAS said, that some time or other the institution of a seminary in this district may be of use ; but at present, and in the manner contemplated in this report, it would not do. If carried into effect thus, it will some time need an appropriation. We are now, said Mr. N. going into the business, but we know not to what lengths it may carry us ; we do not know where it will end. He did not think the time arrived to incorporate a company for the building a national university. It would be taking money from those districts of country which can do for themselves, and would receive no benefit from this institution ; it would be inconvenient and inconsistent for people living at a considerable distance to send their children to this university ; besides, he thought the further children are from home, by being less under the eye of

their parents, the more their morals would be injured. If it be a national university, it must be for the use of the nation.

It will then be necessary to open funds for the purpose of its support.--It is recommended by the President it is true, but this is no argument why we should precipitate the business:—it is the last time he will have an opportunity to address this house, and it being an object he should like to be encouraged when it was practicable, he took that opportunity to express it. We are not now in a situation to forward its establishment. It may be done at some time, but Mr. N. thought it would be many years first. That district of country would be many years before it could encourage the hope of such a plan prospering. He thought gentlemen from other parts of the Union would not say they wanted it for their youth. He thought if the house once entered into the business, the responsibility would fall on it to keep up the institution.

Mr. HARPER said, it did not appear to him that the gentleman last up had attended sufficiently to this report, for he seemed to be much mistaken as to its principle. There was nothing in it that contemplated pledging the United States to find funds to its support; nor was it the object of the report to establish a national university. He agreed with the gentleman, that we were not arrived at a period for such an institution. But gentlemen would see that the object of the commissioners was not to establish a national university or obtain money from the United States, but their direct object was, to be incorporated so as to be enabled to receive such legacies and donations as may be presented to the institution, and hold it in trust for that purpose. The President had already given 19 acres of land and signified his intention to give fifty shares in the Potowmac canal whenever there was proper authority to receive endowments. It appears there is no authority at present. The memorial goes no further than to authorise them to receive such benefactions as may be made and hold them in trust. How far, then, this went towards the involving this house to its support, he should leave the good sense of gentlemen to judge. Mr. H. thought the amount of this memorial could not have any evil tendency, but it may have a good one; for which reason he hoped it would be agreed to.

Mr. BALDWIN did not know any thing, according to his present views, which could be injurious in the report. At present it seemed favourable to him. He had two principal ideas in his mind, which made it appear so; if neither of which

was cleared up otherwise, he should vote for it. The first thing he should ask was, is such a thing desirable? And then, is there a feminary so near the spot contemplated, as to make it hostile in this house to encourage this university? He believed there was none that this will injure, but that an establishment like this would be very agreeable in that part. If it was desirable, who could undertake it, who encourage it like this house? They could not do it themselves. If then the step is a proper one, it can never be too soon to commence it; although it may be many years before it may be wanted.

The objection may be, that it would be wrong to incorporate a literary society; but we have frequent instances of incorporation; and nothing can prove it improper, since no pecuniary aid is required, no grant of money is asked. If it was, I should, like the gentleman before me (Mr. Nicholas) disapprove it, but not now seeing reason to object, I shall vote for the report.

Mr. CRAIK.--After the caution the committee had observed in forming their report, to prevent objections, I am sorry they should be charged with things they do not in the least merit. If the report contemplated the raising a fund for the support of this institution from the United States, there might have been some ground for gentlemen's objections; but as there is not the most distant view of such a thing, I am surprised to hear it objected to. I did not expect it from that gentleman (Mr. Nicholas.) I did not expect to hear him say that institutions of this kind were not wanted there; it might have come better from gentlemen residing in more distant parts of the United States.

If this subject was now before the house, Sir, I should not be against proving at this time that it is the duty of the United States to establish an university, and that the sooner it was done the better: but as this is not the case, as we are only asked to permit its encouragement, by allowing these people to receive benefactions, how can we refuse? Shall we shut the door against individual benevolence? There are appropriations already made to this institution. There is a fund now of fifty shares in the canal which is now valuable, and increasing in value daily. I think the situation for this purpose very good; and the probable increase of the city of Washington will induce many persons to benevolence for this purpose. I know of no situation more central, and believe there is no place of the kind in its neighbourhood; and from an

established knowledge it would be a very useful and desirable institution, shall vote for it.

Mr. W. LYMAN.—As far as I can understand, the land which is now to be appropriated for this university, is the property of the United States. Does not this look as though the United States are to patronize and support this establishment. If we take this step, I shall very much wonder if our next is not to be called upon to produce money. I do not expect much from the liberality of individuals; and can it be expected that people from the remote parts of the United States will send their children to this seminary? Surely not, and consequently their money will be lost. It will be a natural source of discontent to them, to pay their money merely for others to obtain the advantage. It may be very good for people there-about, but remote parts cannot derive the least advantage from the institution: we are going quite too fast into this business, without attending to probable consequence.

I think it would have been more proper, if these people had only wanted this power, for them to have applied to the state legislature of Maryland, it would be more to their interest and duty to encourage a seminary if one is wanted in that place: They have sufficient power vested in them to encourage all such laudable undertakings. For us to encourage this would be to do injury, instead of having a number of schools planted in various parts, they are now all to centre in one: and the people are to neglect all to support this one; as others would become very weak.

I flatter myself to have as liberal sentiments on such institutions as other gentlemen, but I do sincerely think small academies are as useful as this institution for an university.—The large institutions are generally out of the reach of people in general, and of the middling class in particular. These small academies have produced many eminent literary characters in the country. If it should be necessary at any time to form a seminary for the use of that district, Congress would not refuse its encouragement: but to draw money for a national university I hope they never will agree. But gentlemen say this is not asked; true it is not at this time, but there is that in the principle that will most certainly lead to it.

Mr DAYTON (the speaker) said, if it should ever be the policy of the United States to establish a national university, he was of opinion this was an improper time for making the decision. He did not believe the committee who made the report meant to do more than had been stated; but the ef-

fect, he said, would be what had been predicted ; this measure would be looked upon as an entering wedge, and they should hereafter be told they must go through with it. If gentlemen were prepared to sanction an institution of this kind, they would of course do it : he was not prepared to vote for the measure, but should give it his negative.

Mr. NICHOLAS said he had not been convinced by the observations of gentlemen who had spoken in favour of this report, that all the mischiefs would not follow this measure which he before predicted. He inquired into the purpose of establishing a national university. The President had said (and the commissioners after him) it was to establish an uniformity of principles and manners throughout the union.— This, he believed, could not be effected by any institution.— If, said he, you incorporate men to build an university, are you not pledging yourselves that you will make up any deficiency? and, as the building must be commensurate with the object, they would have an enormous empty house continually calling upon them for contributions to its support. Whatever moderation had been observed in framing this report, Mr. N. said it was like many others which came before them ; it was so covered as not to shew half the mischiefs which would attend it. If a plan of education was wanted for that district, let members from that part of the country say so, and he would be ready to afford them every necessary assistance ; but he would not think of going into the scheme of a national university.

The district of country from whence he came might stand in great need of seminaries of learning, as had been hinted by the gentleman from Maryland (Mr. Craik) but their ignorance must continue until they were sensible of their want of instruction. He believed there was no federal quality in knowledge, and no federal aid was necessary to the spreading of it. Every district of country was competent to provide for the education of its own citizens, and he should not give his countenance to the national plan proposed, because the expence would be enormous, and because he did not think it would be attended with any good effect, but with much evil.

If an university is wanted for the use of that district, or any other part, Mr. N. said he would give it all the encouragement possible, but he could not agree to go to such great lengths—lengths which were not yet explored.

Mr. R. SPRIGG considered the report before them as of a very harmless nature. The President, he said, had appropriated land upon which to erect the university in question. They were not called upon to sanction that appropriation.— His power to give it was full and ample. The thing was done, and he had promised a future donation. The apprehensions of the gentleman from Virginia (Mr. Nicholas) seemed to arise from his conceiving they were about to sanction a national university such as had been recommended by the President ; if this were the case, although the representative of that district, he should not give his vote in support of the measure. On the contrary, he said, they were called upon merely to authorize proper persons to receive donations for an university. What sort of institution this should be, would be for the future consideration of Congress. Mr. S. said he should always be ready to give his support to every measure which had a tendency to spread knowledge throughout the United States, as he believed the progress of knowledge and liberty would accompany each other. The gentleman from Virginia seemed to think this institution would only benefit a small circle. He did not think the state of Maryland would be much benefited by it, as they had already two good universities, but he thought it doing no more than justice to the owners of property in the Federal city, that this institution should be encouraged. What was asked of them would not commit them at all for any thing further, and it would be a mean of turning the attention of the people, to the support of an institution of this kind. For these reasons, he hoped the house would agree to the report.

Mr. LIVINGSTON said he had thought like the gentleman last up, that there was nothing in it but what was perfectly harmless, until recurring to the law for establishing the permanent seat of government, that something more might be intended than the eye could at first discover. Mr. L. said he turned the thing a variety of ways in his mind and could not account for some of its obscurities. If nothing was intended but a mere incorporation, why not apply to the state that could incorporate such a body. Something farther seemed to be intended ; public patronage was wanted to support this institution. They were called upon at a moment's notice to give their encouragement to this national institution. 'Tis true they were called upon from very respectable authority. They were not called upon to appropriate the public funds to this purpose ; but how far the commissioners

are justifiable in laying out public lands for that purpose he knew not ; he had not the law itself at hand, but he was doubtful about the just disposal of it, if in this manner. This land was for *public use* ; the use of this land was to erect buildings on for the benefit of Congress, and if these commissioners had power to appropriate it for building a national university on, they had the same power to give it, or make use of it for any other purpose. Such institutions are not public, but private concern.

This I view as the effects of the resolution, was it to be adopted : but I would not be thought in it as in the least reflecting on the motives of the gentleman who brought it forward. I believe it will operate, as a gentleman has justly said, as an “entering wedge,” and at some future time we shall be told, we must go on ; now we have encouraged its institution, we must support it : we shall hear more about it at a future day. Gentlemen tell you, Sir, that nothing is intended but merely to permit its institution. Why cannot they obtain this power which is asked of us, of the state where it is wanted ? The laws there will permit it, and most likely it could be obtained. If this report is agreed to, the time will arrive when this institution will pretend to a just claim on this house for its support, and the reasons they will then urge, will have a force which will not be easily repelled.

Mr. MADISON.—I am very far from considering with some gentlemen that this is a question of right or policy—these ideas are not comprehended in the present question—it is not whether Congress ought to interpose in behalf of this institution or not ; it is whether Congress will encourage an establishment which is to be supported entirely independent of them. I do not consider it will ask a single farthing from us : nor that it will pledge Congress to endow the establishment with any support. The state of Virginia thought proper during the war to present the President with 50 shares in the Potomac Canal, in consideration of his services, which he refused accepting for his own use : he has now offered to give it to this seminary ; some other individuals have likewise destined part of their land for its support, and other benefactions may be expected—the amount of this motion before the committee is, whether we will grant power and security to persons to receive such donations in trust for the institution : I conceive it only in this simple point of view.—

And I think if it is worthy of patronage, it ought to be from the United States.

The gentleman from New-York (Mr. Livingston) seems to say it is not necessary for Congress to interpose ; as the laws of Maryland allow that legislature power to do it, and they are the most proper. Congress has the sole jurisdiction over that district ; it is not with the power of that legislature : their power in that district could only operate by virtue of a grant from the United States ; although it is necessary, until that district becomes the permanent seat of government, the laws of Maryland should be in force there.— This being the situation, the commissioners applied to Congress to give them power to receive benefactions.

Another thing which gentlemen have objected to, is its being called a national university : the report does not call it so, it calls it an university in the district of Columbia ; which I think is materially different. Congress may form regulations and institutions which may be very good, and yet not be viewed as national institutions. It is in this qualified light, for I wish not to consider it as a burden of the nation, I mean to vote for the report.

Mr. SPRIGG said it had been inquired why the legislature of Maryland could not have granted the commissioners what they now pray for ? He answered that they could make no law for that district which should extend past the time at which the seat of government was to be removed there.— He mentioned some instances which had taken place while he was a member of that legislature. This, he said, accounted for the application of the commissioners to Congress.

On motion, the committee rose, and had leave to sit again.

Mr. CHRISTIE brought forward a resolution to call upon the war department to state the number of officers and the amount of their pay who stood in the exact situation with Capt. Robert Harris. He stated his case as peculiarly hard, and wished the matter to be inquired into.

After a number of observations (in the middle of which a motion was made to adjourn, by Mr. W. Smith, which was lost. Ayes 32, Noes 33.) by Messrs. Christie, Williams, Macon, D. Foster, Kitchel, and Hartley, the motion was put and lost, 17 members only rising in the affirmative.

Mr. NICHOLAS asked leave of absence for Mr. Heath for 20 days, owing to the peculiar situation of his family, he was obliged to go out of town. Granted.

Mr. PARKER laid a resolution on the table for obtaining information from the President, on the state of the treaty with Algiers.

A memorial of William Alexander, a surveyor appointed by Thomas Hutchins, late geographer of the United States, was presented by Mr. Gregg, praying for compensation, and expences incurred while in that capacity in 1789, and 1790. Referred to the committee of claims. Adjourned at 3 o'clock.

Tuesday, December 27.

The bill was read a second time for granting additional allowance to the clerks in the offices of the Secretary of the Senate, and referred to the committee on compensations.

A petition of Jane Adams was presented by Mr. Swanwick, praying that she may receive the amount of a prize of 500 dollars drawn in the second class of the United States lottery, during the late war; the certificate of which was either lost or mislaid, in the year 1781.

A memorial of Joseph Ball and others was presented by Mr. Livingston; the petitioners are holders of bills of credit, emitted in pursuance of a resolution of Congress in 1780. They pray that such provision may be made for the payment of the amount of principal and interest on those bills, as the nature of the public engagement and justice may suggest.

A petition of Robert Horner, presented by Mr. Hartley, and of John Porter by Mr. Madison, praying compensation for services rendered in the army, with the above petitions, were referred to the committee of claims.

A memorial of John Cleves Symmes was presented by Mr. Kitchel, praying a fulfilment, on the part of the government, of a contract entered into with him, for certain lands in the territory north west of the Ohio. Referred to the committee of the whole to whom was committed the report of the attorney general on that subject.

Mr. D. FOSTER, chairman of the committee of claims, made report. Resolved, That the several petitions of Thomas Curtice, Gilbert Dean, Richard Keys, James M'Calmont Thomas Miller, and Joseph Shorb, cannot be granted, and that they severally have leave to withdraw their petitions.—The report was read a second time, and the house concurred

therewith. These claims were all barred by the act of limitation.

Mr. SWANWICK chairman of the committee of commerce and manufactures reported, That the memorials and petitions of Charles White, James Stewart and James Barr, David Scudder, Eleazer Scudder and Samuel Berrien cannot be granted. The house then concurred to the report.

These petitions mostly prayed remission of duties, recovery of vessels seized by revenue officers, &c. although in some instances their case might be hard, yet without making a bad precedent and injuring the revenue, by laying open to fraud in some instances, the committee could not report in favour of the petitioners.

The same committee also reported unfavourably on the petitions of Aaron Sheffield and Samuel Legare, James Theus and Samuel Pioleau, but at the motions of Mr. Coit and Mr. W. Smith, the consideration of them was postponed until next Tuesday.

The order of the day was called for on the report of the committee to whom was referred the memorial of the commissioners of the Federal city, and that part of the President's speech, which referred to the establishment of a national university. The house accordingly resolved itself into a committee of the whole on that subject, Mr. Coit in the chair, when the resolution, reported by the select committee, having been read, no gentleman rising on the subject, the chairman inquired if the committee were ready for the question, and on being answered in the affirmative, the question was put and negatived by a great majority.

The committee rose and the chairman reported their disagreement with the select committee.

The house then took up the subject.

Mr. MURRAY rose, expressing his great surprise at the unexpected decision on the question in the committee: was very much surprised to see the committee so changed, no opposition and yet the report so quickly negatived; surely gentlemen must have mistaken the question. It is matter of regret such an important subject should have so little consideration. The language of the report is perfectly moderate and just. The gentleman from Virginia, yesterday gave us to imagine that this institution was to draw its support from the national treasury; but on examining the report I can find no such idea held out or intended; and also he told us this was a national university; the gentleman's observations are

grounded in mistake, or it was effected by an imagination of evils, of which there could not be the most distant apprehension. If we refer to the memorial of the commissioners, we shall see, they ask no money from Congress; they only ask you to erect a number of gentlemen into an incorporate capacity to enable them to receive donations from those who are well disposed towards instituting an useful seminary in that district; this is no more than they have a right to expect from Congress, and is the duty of Congress to grant. Yet the determination of the committee of the whole house has been carried against this very desirable and reasonable request. I would again repeat that the language of the memorial is only to enable them to support a seminary of learning in that place, and not a single shilling is asked from the nation. They only want a medium to act upon,—an act of incorporation.

My colleague (Mr. Craik) has shewn that it cannot be done by the legislature of Maryland: that legislature has restrained itself from any act respecting the district of Columbia that will extend beyond the year 1800, when it will become the seat of the government of the United States. Congress alone have the power to erect a corporate capacity in that place, and if they now withhold, they will smother in the bud the efforts of individuals who would wish to be generous towards the support of learning in this new city. On the contrary, how ungenerous will it appear in this house to prevent this valuable design? How peculiarly humiliating will it appear in the view of foreign nations, and how undignified with the character of liberal and enlightened in this. If Congress had passed an act agreeable to the report of the committee, where would have been the evil? The President has generously signified his intention to make a valuable benefaction, not less than 5,000*l.* sterling, and the wise and good in all parts of the United States would probably follow his example, particularly in that neighbourhood, if Congress would put them in a way to receive it: a building would then be begun and some advances made towards the execution of the institution, in proportion to the fund. Instead of allowing this to be the case, every possible view has been given unfavourable to the plan, and every possible supposition formed, though without grounds, which could tend to blast it. The ideas of gentlemen have been exposed, that a large empty house would arise;—that it would draw from the United States funds for its support. It may be possible, but it is no

way probable. Is it not more probable that these gentlemen, knowing they cannot expect national support, will keep themselves within the bounds of their funds, if they mean to carry on the institution? Certainly this seems most consistent with the wisdom and prudence of men in that capacity. Nothing is asked of the public in the report of the select committee :—nothing they have a right to ask ; I therefore hope, as the request is perfectly reasonable, gentlemen will not be too hasty to oppose such a measure without due consideration. I therefore wish the further consideration of the business may be delayed ; I could scarcely believe such a decision would have taken place in the committee, and must believe, for the honour of the nation, that when gentlemen take time to reflect, they will not act so illiberal a part as to refuse so reasonable and harmless a request, when these people only ask the power to receive the voluntary support of individual benevolence.

Mr. MADISON said, the word *pecuniary* in the report of the committee did not correspond with his wishes : he wished the expression of the report might extend to all sorts of donations : if in order, he should move to strike it out. The speaker informed the member it was not in order to move an amendment after the committee of the whole had reported their disagreement. If the house choose to concur with the committee of the whole, that report cannot be amended ;—if they disagree, it may then be proposed, and recommitted for the amendment.

Mr. CRAIK.—I must confess, I feel as much surprised as my colleague on the decision which has just been given in the committee of the whole. Some gentlemen who opposed the report yesterday conceived there was some secret poison lurking within it—some dangerous principle not to be discovered on its face, which would some time produce baneful influence ;—this has been insinuated though not directly said. If so it must come there by accident, or of itself, which those gentlemen must allow if they will give themselves the trouble to examine the true principle of it, and give it a just decision. When we examine the materials of which this report has been formed, viz. the President's communication on this subject in his speech, and the memorial of the commissioners ;—we should be led by those gentlemen to believe, that this, which is the ground work of the report, is connected to convey something which may extend further than it seems to carry its object ; this perhaps is the secret poison hinted at. If we at-

have been fostered in idea : Were I in the situation of the President, I am free to confess, had I studied my own feelings and the great use of the institution, I should have recommended it. It has been justly said, that the President, from the impulsive importance of it, has taken this opportunity—this last opportunity to recommend it.—He has recommended it with earnestness ; which gives an additional proof of his sincere regard for the welfare of his country. I hope this will not be conceived in favour of the idea suggested. The commissioners seem to have anticipated the objections which have been made to a national university, and have purposely avoided inserting it in their memorial. They have cherished similar ideas which I have, of the eligibility of such an institution, but foreseeing that plan would not be approved they have relinquished that, and only requested incorporation to enable them to act in trust for the institution. They do not call upon this house to put their hand into the public treasury : they seem to have possessed somewhat of the prophetic, to see the necessity of forming their memorial so little objectionable ; and yet there is supposed to be danger in this simple request. If, then, there is nothing in this report to be collected from the President's speech, nor from the memorial of the commissioners to favour this idea, what then is there ? Gentlemen who own property in that district have come forward and to their own disadvantage, offered ground to the support of it ; why then can it be supposed that some lurking evil awaits within ? Although some observations have been made to shew that the state legislature had power to grant this authority, yet it is plain, as has already been proved, they have no such power. It has been said by some, that if they were satisfied the state had not that power, they would vote for the house to agree to the report. I do not see reason to go into the question how far the legislature has a right to grant it, nor to inquire how far the laws of the several states should operate on us : these are questions which are not at all involved. That district of country will not be at all under the power of the legislature of Maryland after the year 1800, and were they to grant this charter, it would not be wise, just, nor equitable. They have determined in no instance to grant any charter or incorporate any society in that district, if it will interfere with the time at which it comes into the hands of the United States. It would be wrong in them to extend by any instrument their pretended authority beyond that

time. And can the United States refuse its guardianship to an institution which is refused patronage from elsewhere on such an account as that stated? Surely not. This then, I think must go completely to satisfy those gentlemen who have doubts that this house could not do that which the several states have power and authority to do.

It is clearly proveable from other causes that this state had no authority at all. Few objections have any validity now, that will not remain in force when the general government removes there. Since then, they would have had no difficulty to have obtained this of the state legislature before the cession of this territory to the United States, it will be an unfortunate change for them to be under the United States, peculiarly so, if refused this small request. It has a truly lamentable prospect.

Gentlemen have supposed a responsibility, a peculiar obligation to support it, would be attached to the United States, were they to give this privilege. As well might it be said that Congress, by allowing a bridge to be built, or a road to be cut, would incur the expence, or if it could not otherwise be done for want of money in the applicants, would be engaged to do it for them at the national expence. If there are objections of force in one instance they will apply to the other. If this is denied it proves that district to be wretched outcasts, being denied a request the most reasonable, natural and just that can be contemplated. Many of the objections urged, indeed most of them, against the admission of this report do not go so much to the exclusion of the measure, as to the danger of legislative interference. Gentlemen say, if we move in it,—if we put our hands at all to it, we pledge ourselves to effect it. If this is the situation with the people of Columbia, the year 1800 will be a woful year to them; this is an unhappy preface of the jurisdiction to be exercised on that country. If it is inexpedient for that district to have a seminary of learning, let gentlemen who could state it with truth, come forward and say so: If the objections of gentlemen are not grounded on the danger of this house pledging itself to support the institution nor on the inexpediency of such a thing in that district, I am at a loss, for my soul, to conceive on what ground their objections are formed. I was surprised yesterday to hear the opposition come from the quarter it did; and am equally surprised to find such an opposition now. In my view there is a very great want of seminaries of learning in that part.

If we take a view on the south side of the Potowmac, for a considerable extent of country there is no institution to answer any desirable purpose. There is the greatest probability of a rapid increase in the population. Is it not reasonable then, that an institution of this kind should be established in that place? And if reasonable at all, are we to wait till the period arrives when the country is thickly inhabited before we commence a building and project the plan? I have long thought that in this young country such a thing was necessary. It should be now begun, to grow up with its growth, and strengthen with its strength. We should now lay the corner stone—the foundation to build upon. Though such a seminary cannot be established now, it may fifty years hence, and it can never be too soon to commence a good institution. We are not called upon to travel into the fields of speculation for the purpose of finding funds to support this plan; there are funds which present themselves to view. We only want a grant to secure the benefactions in prospect. The President has employed an handsome benefaction for this purpose, and I much wonder that gentlemen from that part of the Union should oppose measures that would only encourage its reception. When I take a view of the extent of country which lies much in want of a seminary, I feel surprised that such measures towards its growth should be denied.

If there are any gentlemen here who oppose the advancement and growth of that district which they have taken under their wing, they should come forward and declare it, we then should have ground to account for their conduct. If we are determined to deny these people common justice we dispirit them. There is no circumstance which can occur, that will tend so much to discourage the growth of that state; if we forbear to do them this justice we exclude them looking up for those common rights which could be enjoyed in any other territory of the U. States. I hope this house will never deny to that people—rising into existence, this small privilege. Is it a strange thing, I would ask gentlemen, for a state to grant charters? I answer, no. And for this state to be denied this privilege only to secure a fund for such an excellent institution, I believe is quite a novel idea. I hope, if there are any doubts on this subject, they will lie over for future consideration; and I hope we shall be careful not to damp the attempts of that people, by a conduct which could not be refused by any state in the Union; and that Congress should refuse it without assigning a sufficient reason is unprecedented. I hope

it will lie over for future consideration, and not be refused so quickly.

It was moved that the business should lie over until the second Monday in January.

Mr. COIT was against a postponement—The subject, he said, had undergone considerable discussion, and he doubted not the house was as ripe for a decision then as they would be hereafter. To postpone was to protract the dispatch of business, and consumed double and treble the time that would otherwise be occupied on any subject.

Mr. HARPER hoped the postponement would take place, because it would give gentlemen an opportunity of putting the business into such a form as to be more acceptable to the house. Since the principal objection made to the report was founded on an apprehension that the house would be implicated in future expense by agreeing to it. If some method of introducing the subject could be hit upon, which could obviate that objection, it was desirable it should be done. He therefore wished gentlemen to have time to do this.

Mr. NICHOLAS said, he did not rise to advance any thing new on the subject, but to remove something said by the gentleman from Maryland (Mr. Craik.) He would not wish to be understood to say, that we, by refusing this, promise to support the institution, but that it would naturally be expected, that we having given a sanction to it, dignity of government, consistency of conduct, and many other considerations will oblige us to support it : any modification now made, will avail nothing ; by this act you invite donations to the object : If the business is entered upon at all, it will end as has been supposed—in pecuniary support.

I beg leave to deny any intention of disregarding the wishes or wants of the people of that district. I think that disregard is not felt by any person here, and if such an opinion has gone forth, that gentleman must attribute it to himself. When up yesterday I said that if that people wanted any assistance towards erecting a seminary, I would render them all possible aid. But our officers, and they alone are the projectors of this business, it is not from the people that we are asked for this aid ;—it is from men who were sent there to manage business : but they are not the people.—Again, the President has recommended the measure.

I would not be supposed to want a due respect either for those commissioners or for the President ; but merely because recommended by them, we are not warrantable to adopt it :

I never mentioned words tending to that idea ; nor had any idea of refusing the request of that people if coming from them, but this is not the case. I still contend that if this building goes on upon its present principle, it will be a national university. If you adopt the plan—if you begin the building, and it is left unfinished, it will remain a monument of reproach. I ask gentlemen, if they subscribed to the use of this institution, what would be their views ? What the views of subscribers in general ? Would they think it was erecting a seminary for a district of country ten miles square ? Certainly not : it will be expected to be given to the use of the United States—to the support of a national university. It is deceiving the public to suppose, or assert differently. I trust we shall negative the proposition of the committee ; and when that people shall come forward to ask our aid to the establishment of a seminary, then let us prove that it is not the request of the people we reject, although the views of a few individuals may not obtain encouragement.

Mr. BRENT said he was at a loss to know how gentlemen could raise the objections which they had made to the report in question. He was sure they could not arise from the report itself. This did not recognize the university as a national university. The matter appeared to him to be simply this, that several individuals in the Federal city who were greatly interested in its prosperity were of opinion that an institution of this kind would not only advance the interests of the city, but be a mean of disseminating learning, they had therefore prayed an incorporation for the purpose. Why his colleague should call this a national university, and that by a mere act of incorporation, they should pledge themselves to support it, was to him astonishing, and incomprehensible. If any particular body of men should apply for an act of incorporation, by granting it, should they pledge themselves to carry their scheme into effect ? The thing was too unreasonable to be supposed.

Mr. B. said, if he was of opinion that the incorporating of persons to receive donations for this university, would oblige them to foster this establishment, he should be one of the first to object to it. He should object to it on constitutional principles ; because, whatever had been the practice of that house, he was of opinion that imposing of a revenue for such a purpose, would be unconstitutional, and arrogating a right which they did not possess.

Under the aspect which the subject before them bore, he trusted all objections to it would be withdrawn. A free government, he said, had its foundations in wisdom, and the legislature of such a government ought to encourage every institution which tended to inform and enlighten the people—a contrary procedure were to stifle knowledge, and to introduce barbarism.

The speaker reminded the house that the question of postponement was before them.

Mr. SWANWICK was against a postponement, because he thought the question could as well be decided then as at a future day. As the application now stood, he was ready to give it his negative, because he did not think it was proper to allow any charter to the commissioners. If a charter was to be granted, it should be to the people themselves, and not to the commissioners. He should therefore vote against agreeing to the report. He should have wished to have made some further observations on the subject, but in this stage of the business he was doubtful whether they would be in order, and therefore he should withhold them.

Mr. GILES was in favour of a postponement, not that he wanted time to consider the subject—he was ready to vote against it, but because the advocates of the measure wished it. He himself was opposed to all kinds of corporations; but he did not think the present subject had been fully discussed, and wished more time to be allowed for gentlemen to bring forward the question in any other way which they might think would be more acceptable to the house.

Mr. VENABLE said he was opposed to a postponement. It had been repeatedly said that there was nothing alarming or under cover in this report. For his part, he believed it to be connected with a national university, and that it was introduced in this shape because it was apprehended it would not pass if brought into the house without disguise.

Mr. V. wished the business not to be postponed, because the Maryland legislature was then sitting, and the commissioners might apply to it and get their business done; for whatever might have been said to the contrary, he believed they could as well incorporate them, as foreigners to hold lands; a navigation company, Columbian bank company, &c. and if they could do this, he believed it would not be said, that when the federal government took possession of that district, that corporation would not be valid. If a local seminary was only intended, he thought this the best way of proceeding.

Mr. CRAIK believed that most of the acts which have granted charters to that district by the state of Maryland would expire before the year 1800—they consider that it is in the power of Congress, and that only, to extend beyond that term. Gentlemen, he said, had pretended much friendship for the people of the city of Washington, and differed much about the way to show it. The commissioners are the proper organs of the people, through which to speak their will, and address themselves to this house : they act for the proprietors as well as for the public, and he knew no distinction that should prevent this report from approbation.

Mr. MURRAY said the arguments which had been used on the interference of the legislature of Maryland could not now be decided, for which he thought it would be proper to postpone the business. He believed they were not now in session, as they usually broke up about Christmas. Were gentlemen now to divide, they could not avail themselves of information from that legislature, which would tend to throw a light on the subject. He thought the nature of the subject such, that would permit a delay of a few weeks, at which time most probably that legislature would sit again.

The question for postponement was put and carried.—
Ayes 37—Noes 36.

Mr. W. SMITH moved to call up the resolution he yesterday laid on the table, respecting an allowance to the sufferers by the late fire at Savannah ; when, on the sense of the house being taken whether it should be taken into consideration or not, there appeared only 16 votes in favour of it.

Mr. W. SMITH gave notice he should to-morrow again move to have it taken into consideration.

The house went into a committee of the whole on the bill for relief of John Sears, which was agreed to without amendment, taken up in the house, read a second time, and ordered to be engrossed for a third reading to-morrow.

Mr. D. FOSTER reported from the committee of claims on the petition of Wm. Parsons, an American seaman during the war, who was carried to Europe and was not able to return until after the statute of limitation was past. The committee reported in favour of the petitioner. It was resolved to be referred to a committee of the whole house to-morrow.

Adjourned at 3 o'clock.

Wednesday, December 28.

An engrossed bill entitled "an act for the relief of John Sears" was read a third time, and passed.

A petition of William Imlay, commissioner of loans for the state of Connecticut, was presented by Mr. Goodrich, praying an increase of salary, and

A memorial of Alexander Furniel, post-master of Baltimore, presented by Mr. Hindman to the same effect.

They were referred to the committee on compensation.

A memorial was presented by Mr. Hindman from James Corrie and Samuel Briscoe of Maryland, in behalf of themselves, and Sidney George in behalf of Joshua Louttit deceased, praying the liquidation and settlement of their claims for services as clerks to the deputy quarter-master of Maryland and Delaware during the late war.

A petition was presented by Mr. Coit in behalf of Anna Welsh of Connecticut widow of Capt. John Welsh, praying compensation. These petitions together with that of Moses White, presented in 1792, but on which some new facts were produced, were now referred to the committee of claims.

Mr. W. Smith wished the house to resolve itself into a committee of the whole on the resolution, which he had the other day laid upon the table, proposing to afford some relief to the sufferers by the late fire at Savannah. For his part, he said, he could see no reasonable objection which could be made to so benevolent a proposition. A gentleman in the house had got a plan of the ruins of the city, it was indeed a most distressful scene. There had never occurred so calamitous an event of the kind in the United States, or which had so strong a claim upon the general government for relief. He said they had granted assistance to the sufferers by fire at St. Domingo; and surely if it were justifiable to grant relief to foreigners in distress, it was at least equally so when the objects were our own citizens. If gentlemen had objections to the measure he wished they would state them. The sum with which he should think of filling up the blank, would not be such as to materially affect our finances.

Mr. MILLEDGE said, if the unfortunate had any claim upon government for relief, none could have greater than the citizens of Savannah. Few houses, he said, were remaining of that city, and those few were the least valuable. Not a public building; not a place of public worship, or of public jus-

tice; all was a wide waste of ruin and desolation, such as scarcely could be conceived, and such as it were impossible to describe. He hoped some relief would be afforded to distress so unexampled.

Mr. COOPER said, it was a very unpleasant thing to come forward to oppose a measure of this sort : but when they looked into different parts of the Union and saw the losses which had been sustained at New-York, Charleston, &c. it would appear only reasonable, that if relief was afforded in one case, it ought to be extended to another ; and if this resolution were agreed to, he should certainly move to have some relief afforded to New-York. He hoped, however, the business would not be proceeded with. If the principle were a good one, it would bear going through with ; but it would be seen this would, on the contrary, prove a dangerous one. What they did to-day, he said, should bear repeating to-morrow. If they were to make good losses by fire, there would be no occasion for Insurance Companies, nor any inducement to build with brick in preference to wood. He felt as much as others for the distresses of the people of Savannah, but was of opinion it was not a proper business for the interference of that house.

Mr. W. SMITH agreed with the gentleman last up that this would be considered as a precedent, he agreed that they ought not to do that to-day which ought not to be done to-morrow. It might be brought forward as a principle upon which we should be bound to relieve New-York or Charleston ; but the question is whether this is not a distinct case ? This is a case awfully distinguishable from all others, and if a case like the present will not be often found, this house are certainly not bound to grant relief in others though in this. He trusted such a case would not be again found to solicit relief. Charleston, he said, had experienced a great calamity by fire, but had not asked relief of that house, and it was probable if it had, it would not have been granted, because its distresses are not so great. In a distressing situation like that now before us, aid can be afforded by the many towards alleviating the distresses of the few ; hence arises the advantages from public contributions : and would that house, he asked, refuse their assistance ? It would not be felt by the public purse. It has been said, to adopt this resolution would have a dangerous tendency, in as much as it would encourage a neglect of insurance. But the evil is come, the unfortunate circumstance has occurred ; four-fifths of that

unfortunate city has been destroyed, and their distress is great ; such a circumstance may not again happen for a century. The amazing value of 500,000*l.* sterling damage is done ; and shall we refuse to give a trifle to assist with others towards removing the present distressed situation of some of the unfortunate inhabitants ? I trust not. It is not asked of this house to indemnify the loss of these sufferers : No Sir, it is only asked that the general government should give the trifling sum of fifteen or twenty thousand dollars to afford these people some relief.

We have heard of New-York, and Charleston ; but in which of those cases is this calamity to be compared to Savannah. The distress at Savannah is more than twenty to one.—It is like a grain of sand struck off from the mountain. I wish gentlemen to give themselves the trouble to draw the comparison.

The citizens of New-York are rich ; that is a flourishing town ; it is rich enough to afford itself relief when applied to ; though a sad calamity, it will scarcely be felt ; the flourishing state of its commerce will soon repair the damage. But Savannah wants means to alleviate its own distress : not only the property is destroyed but the means to obtain more. What are they to do ? Where obtain its former opulence or enjoyment ? They can look no where but to their neighbours, and to the government for assistance.

We are told of Charleston. But the calamity there is not more than in the proportion of ten to one with that of Savannah. In Charleston there was immediately thirty thousand dollars subscribed to alleviate the distresses of those people whose property was destroyed : but this cannot be the case in Savannah : where is thirty thousand dollars to come from there ? Who are to subscribe it ? All the means are destroyed, and they have nothing left but suffering. The calamity there is infinitely greater, and the means infinitely smaller to repair it.

Then Sir, if this be the case, where is the harm to ask a benefaction from the public treasury, when it would not be felt. Suppose we were to grant thirty thousand dollars, what is it to the people of this country ? Nothing at all : but it is sufficient to draw down on this house the blessings of that people.

This therefore cannot come under the same principle. It is an unprecedented calamity, and if a similar circumstance should ever occur, which is improbable, I think they should obtain relief.

The question was then put for the house to resolve itself into a committee of the whole on the subject, and lost, Ayes 38, Noes 39.

It was then moved that the committee be discharged from the farther consideration of the resolution.

Mr. W. LYMAN hoped the business would not be disposed of without going into a committee of the whole. He thought more respect was due to the feelings of the sufferers than to dispose of the subject without discussion. He hoped the committee would not, therefore, be discharged.

Mr. HARTLEY trusted the committee would not be discharged. He believed the destruction of Lisbon by an earthquake did not occasion greater mischiefs than the late fire had done at Savannah. The legislature of Pennsylvania, which had no greater power than the general government to afford relief to these sufferers, had given fifteen thousand dollars. Indeed he thought it more the province of the general government than of state governments, to afford relief in such cases.

Shall we, said he, treat the citizens of Savannah with more disrespect than the people of St. Domingo ; this house then gave ten thousand dollars or more for the relief of those people, and shall we not now have liberty to discuss the subject, whether to give or not, to our own citizens. Although he said he would not wish to draw a precedent from English transactions, yet he would observe that their generous benevolence to the unfortunate sufferers by the earthquake at Lisbon, though only commercially acquainted, was worth imitation, to whom they gave 100,000*l*. Mr. H. was sorry gentlemen should endeavour to prevent this by bringing in the calamities in New-York and Charleston. Those were only personal losses, this was a general conflagration, a catastrophe unprecedented, and he hoped for the sake of humanity and national honor this house would never withhold relief.

Mr. KITCHEL thought there would be propriety in determining at present whether it should be granted or not. There was application going about to the different state legislatures for relief, and if it was suffered to lie on the table in this house, he thought it would much injure the applicants, by leaving the different legislatures in uncertainty what to do, and perhaps preventing their giving a donation towards this purpose. He said he felt as much as any man for the deplorable state of this people, and if it was consistent with the constitution, would wish them to have relief. But, said

he, let us now decide ; if it is unconstitutional, I would not wish to grant it ; and if we are not now to grant relief let the committee be discharged, to open a way for other benefactions.

Mr. SPRIGG hoped the committee would not be discharged, but that they would go into the business at an early day. He said he had not made up his mind how far they had a power to afford relief in a case like the present. There was an instance, he said, in the relief afforded the daughters of the Count de Grasse, as well as that given to the sufferers at St. Domingo. He wished for further time to make inquiry on the subject. If there were not insuperable objections to the measure, he hoped relief would be afforded.

Mr. HARPER acknowledged that it was sound policy in government to keep a strict eye over its treasury ; but this watchfulness, he said, ought not go to the rejection of all claims however just and proper. He thought the tenaciousness of approaching the treasury was carried too far in the present instance. He would ask what was the use of society, if it were not to lessen the evils of such calamities as the present, by spreading them over the whole community, instead of suffering them to fall upon the heads of a few individuals ? He thought it the duty of government to alleviate such peculiar distress as the present. It was said this would prove a dangerous precedent, and prevent necessary provisions against fire. If they were about to make good the whole of the 500,000*l.* destroyed, there might be some ground for the alarm, but when 15 or 20 thousand dollars only were contemplated to be given no great danger could surely be apprehended. The fires at New-York, Baltimore and Charleston had been mentioned ; but what were the means of Savannah when compared with New-York ? Not as one to twenty. New-York was rich enough to bear her loss, but this could not be said of Savannah, all the inhabitants of which were reduced to poverty and distress. They could not therefore get relief from their fellow citizens, and to whom could they look for protection and relief with so much propriety as to the general government ? When compared to Charleston, the loss of Savannah was of ten times the magnitude as that experienced by it. The loss of Charleston was alleviated by a subscription of 30,000 dollars from its own citizens, besides the handsome contributions which were made in other parts of the Union ; but there was no property left in Georgia to afford relief to its sufferers. Suppose, said Mr.

H. we were to give 30,000 dollars towards this loss, what would it be when divided among the whole Union? And yet it would be enough to draw down countless blessings upon us from these objects of distress. He hoped, therefore, the committee would not be discharged. It was a case of peculiar and almost unprecedented affliction such as, he hoped, would not again occur; and a decision in thier favour would be applauded by every man, woman, and child in the Union.

He believed it a case not merely supported by justice and right, but nearly attached to the finest and most noble feelings of the heart; he believed it would meet the feelings of every man of wisdom to afford relief. He hoped therefore, that the merit and importance of the resolution would induce the house to let it lie over for future consideration.

Mr. SMITH said if gentlemen's feelings were not to be applied to, policy ought to influence the house to grant relief to that town. Savannah it was well known was a considerable commercial city, and by that fire a very material part of our revenue was sunk, and if it could not obtain necessary assistance, it would be felt more than the grant of this sum to its support—it would be the general interest of the Union to restore that trade soon as possible. He hoped therefore, as the motion for commitment was only lost by one vote, the house would reconsider it.

Mr. SITGREAVES wished to know whether it was in order to move to reconsider the vote which had just been taken.

The speaker said the present question must first be disposed of.

The motion was then put for discharging the committee of the whole, and lost, there being only 20 in favour of it.

Mr. SITGREAVES observed, that he voted with the majority in the decision on the first question which had been taken; of which he wished to move a reconsideration. Very few questions, he said, had occurred since he had been a member of that house on which he could not determine within himself how to act. On the present occasion, he had however suffered a conflict between opposite feelings. He had doubts whether they had the right of appropriating money except for the public service of the country; at the same time that he was convinced that if ever there was a claim on the humanity of the public, Savannah at present exhibited that claim; and he must own that his feelings had, at length, vanquished his doubts; and, though he originally voted against taking up the measure, he should now vote for it. He

was not sure whether he should not commit an error in doing this ; but if it was an error, he hoped it was an amiable one, and one which would be forgiven.

The question was then taken for going into a committee of the whole on the subject, and carried by a considerable majority, there being 45 votes for it.

The house accordingly resolved itself into a committee of the whole, Mr. Muhlenberg in the chair, when

Mr. W. SMITH said, he did not propose to fill up the blank at that time. If the resolution was agreed to, the sum could be put in when the bill came into the house. He himself should not think of proposing to fill the blank with more than 15,000 dollars. This, it was true, was but a small sum, but it would afford relief to the poorer class of sufferers, and others could not expect to receive the amount of their losses. He should move that the committee might rise and report the resolution.

Mr. HARTLEY called for the reading of the act allowing relief to the sufferers by fire at St. Domingo. (It was read. It allowed 15,000 dollars for their relief, which sum was to be charged to the French republic, and if not allowed in six months, the relief was to be stopped after that time.)

Mr. MACON wished the act allowing a sum of money to the daughters of Count de Grasse to be read also. He did not think either of them in point. The sufferings of the people of Savannah, he said, were doubtless very great ; no one could help feeling for them. But he wished gentlemen to put their finger upon that part of the constitution, which gave that house power to afford them relief. Many other towns had suffered very considerably by fire. He believed he knew one that had suffered more than Savannah, in proportion to its size : he alluded to Lexington in Virginia, as every house in the place was burnt. If the United States were to become underwriters to the whole Union, where must the line be drawn, when their assistance might be claimed ? Was it when three-fourths or four-fifths of a town was destroyed, or what other proportion ? Insurance-offices, he said, were the proper securities against fire. If the government were to come forward in one instance, it must come forward in all, since every sufferer's claim stood upon the same footing. The sum which had been given to the sufferers at St. Domingo was to be charged to the French republic, and that given to Count de Grasse's daughters was in consideration of their father's services. But New-York had as great right to come for-

ward and expect relief as Savannah. He felt for the sufferers in all these cases, but, he said, he felt as tenderly for the constitution, he had examined it, and it did not authorise any such grant ; he should therefore be very unwilling to act contrary to it.

Mr. RUTHERFORD said he felt a great deal of force on what gentlemen had said. There were two circumstances he said, which were perfectly conclusive in his mind. He saw it our duty to grant relief from humanity and from policy. Savannah was a city of a minor, helpless state ; it was a very young state, yet it was a part of the Union, and as such, was as much entitled to protection as any state under such a dire misfortune ; and it became Congress to alleviate their great distress. They have lost much—they have many of them lost their all. To say we will not assist to relieve, when almost every state in the Union is putting their shoulders to support these people's burden is wrong. The state of Pennsylvania have done themselves immortal honour in the relief they have afforded, and shall not we help to support this part of the family in their distress. This state is a branch of the great family of the Union—it would be in my ideas extremely inconsistent to neglect them. He hoped the motion would be adopted, and he hoped it would never be said that the general government refused to provide help in such a poignant distress occurring in one of its principal towns.

Mr. HARTLEY said, that the gentleman from N. Carolina (Mr. Macon) had voted against both of the bills which had been referred to. He knew no difference between the constitution of the United States and that of Pennsylvania, yet a vote in their house had been carried unanimously. He thought the law for relief of the sufferers of St. Domingo perfectly in point ; for, notwithstanding what was said about negotiation, the distresses of those people had consumed all the money before the six months were expired. If ever there was a case in which they could grant relief, this was one. The losses at New-York and Charleston, he said, would bear no comparison with that of Savannah ; they were rich and flourishing places, whilst Savannah was a small city of a new state, and the sufferers generally poor. He hoped, therefore, the resolution would be agreed to.

Mr. MOORE said the laws which had been adduced as precedents were not in point ; for the one sum we were to have credit with the French Republic, and the other was in consideration of past services. The distress of the people of Sa-

vannah was not an object of legislation ; every individual citizen could, if he pleased, shew his individual humanity by subscribing to their relief ; but it was not constitutional for them to afford relief from the treasury. If, however, the principle was adopted, it should be general. Every sufferer had an equal claim. Lexington in Virginia, contained only one hundred houses, and all except two had been destroyed by fire. He should therefore move to add Lexington to Savannah in the resolution before them ; though he would observe, as he did not approve of the principle, he should vote against them both.

Mr. W. SMITH wished gentlemen not to endeavour to defeat the proposition before them by an amendment. He did not think there could be a comparison made between the distress occasioned by a fire in a small town and one in a populous city. The destruction of Savannah was a great loss in a national view, as it would cause a considerable defalcation in the revenue, and probably any money they might advance for the relief of the citizens would be amply compensated, by enabling the city the sooner to resume its former importance in the commercial scale.

Mr. VENABLE did not see the difference betwixt the two cases which was so distinguishable to the gentleman last up. Because Savannah was a commercial city its distress, according to that gentleman, was indescribable, but when a like scene was exhibited in a small town it was no longer an object which touched his feelings. His humanity went no where but where commerce was to be found. He asked whether the United States might not as well lose revenue in the first instance, as put money into the people's pockets to pay it with. Humanity was the same every where. A person who lost his all in a village felt the misfortune as heavily as he who had like a loss in a city, and perhaps more so, since the citizen would have a better opportunity by means of commerce of retrieving his loss. He was against the general principle, as he believed, if acted upon, it would bring such claims upon the treasury as it would not be able to answer.

Mr. MURRAY thought the gentleman from Virginia (Mr. Venable) carried his idea of relief too far. He had no idea that that house or any legislature could undertake to make good individual misfortunes. He was of opinion that the lines which separated individual from national cases were very observable ; the one was happening every day, the other seldom occurred. When a large town, said he, is burnt down,

and that town is an important southern frontier town, it is surely a national calamity, and has a claim upon the humanity of the country. It was true, the claim was not of such a nature as to be brought into a court of justice, but it was a calamity in which the whole nation sympathized. It was not only a claim upon the humanity of the nation, but also upon its policy, as, by restoring it to its former situation, it would be able to bear its wonted part in contributing to the revenue of the country, and would continue to carry population, arts and wealth to that distant part of the Union. In case of war, he said, Savannah was a most important place. It was necessary the Union should have a town in that situation, and he could not consider any money which might now be advanced as given away, but as lent to that town, which might enable it in a few years to resume its former situation, whilst the withholding of it might prevent its ever rising from its present ruins.

Mr. KITCHELL was opposed to the amendment and to the resolution itself. He had doubts if even they were to give the citizens 15,000 dollars, as was proposed by the gentleman from South Carolina, whether they should not, instead of service, be doing them an injury ; because if the general government were only to give this sum, the state legislatures would proportion their donations accordingly, and probably give much less than they would otherwise have done, if they had not had this example before them. He had doubts as to the constitutionality of the measure, he thought the constitution did not authorize them to make such an use of public money ; however he thought it might be a very flexible instrument, it would bend to every situation, and every situation to that. He thought in this instance if we grant money, while we attempt to serve, we shall eventually injure. As to what the gentleman from Virginia says of Lexington, Mr. K. thought it had been fully relieved ; however he should vote against both propositions.

Mr. PAGE said that he was sorry for his colleague having made this amendment, as he had done it with a view to defeat the original resolution. If humanity alone were to direct his vote upon this question, and if the amendment had been proposed more early and singly, he might have voted for it. But that not being the case, it, as well as motives of general policy, influenced him in favour of the original motion. He had reasons which could not apply to the amend-

ment. He should vote against it. He was bound by order to confine himself to the single question before the committee.

This is, *shall the amendment be received or not?* He declared it as his opinion that the case of Lexington ought not to be connected with that of Savannah, which had been, as stated by the member from South-Carolina, materially different. He was restrained by order from entering into the merits of the original resolution, but he thought that he had a right to hint at the motive of policy which would apply to the resolution, and not to the amendment. This was, that Savannah being an important place it would be wise and politic to prevent its revival from being owing to any other aid than that of the general government of the United States. It ought not to be under obligations to individuals, or single states, and much less to a foreign power.

Mr. HARTLEY hoped the amendment would not prevail. If the loss of the people at Lexington had been greater than they could support, they would doubtless have applied to the legislature of Virginia, but he had not heard of any such application having been made. He agreed with the gentleman last up, that the general government ought to relieve distresses of this kind.

Mr. MURRAY inquired when the fire happened at Lexington?

Mr. MOORE answered, about nine months ago. He thought it was the duty of the United States first to pay the claims which were made upon them by distressed soldiers and others for past services who were denied justice because they had passed an act of limitation. If they were to act from generosity, he said that generosity ought to be extended universally. It was a new doctrine, he said, that because a sufferer by fire did not live in a commercial city, he was not equally entitled to relief with the inhabitants of a city, and that though such persons were called upon to contribute to the losses of others, they could have no redress for their own. This seemed as if favourite spots were to be selected, upon which special favour was to be shewn. He was opposed to all such humanity.

Mr. CLAIBORNE was against the amendment, but he hoped the resolution would be agreed to; he was sorry any gentleman should propose an amendment like this, purposely to defeat a motion which would tend to relieve such sufferers as those of Georgia must be. He was not certain whether he could vote upon constitutional grounds or not. It was a sharp con-

dict between humanity to that suffering country and the constitution. If any case could be admissible he thought this could ; it ought to be remembered that part of the Union has suffered much. Georgia was a *slaughter-pen* during the war ; besides being continually harrassed by the hostile Indians ; he thought 15,000 dollars would not be ill spent, as from motives of policy it would be of more advantage to the United States from a quick return the revenue would gain ; indeed, if constitutional, he hoped the sum would be made more than proposed : these are your fellow citizens who are suffering, and if not speedily relieved the whole interest will be involved. If in order he would vote that the committee rise, to enable him and, perhaps, many others, to consult whether relief could be constitutionally granted. He said he felt a great propensity to do it.

The motion was put and negatived.

Mr. HARPER hoped the amendment would be rejected, for the same reason that he hoped all amendments which were brought forward with the same view with which it was produced, viz. to defeat the original motion, might be rejected. He thought every proposition should stand or fall upon its own ground. He wished that of his colleague to do so. Mr. H. insisted upon the dissimilarity of the two cases, and that the distinction of great and small calamity was sufficient to distinguish the two cases. With respect to the constitutionality of affording the relief in question, that had already been determined by the several instances which had been quoted, which were also founded upon humanity. The present case, he said, might justly be included under the head of promoting the general welfare of the country. Gentlemen who doubted the constitutionality of the present proceeding, had done the same in the instances alluded to ; but, since their doubts had been so frequently overruled, he hoped they should hear no more of them. With respect to the policy of the measure—Savannah, he said, was the only considerable port, except Charleston, which the United States had in that quarter. It was situated at the mouth of a river which watered a space of country containing a thousand square miles. The average revenue of this city was seventy-six thousand dollars. Was not this, he asked, an object of importance ? Was it not an object to foster, to relieve the distresses of such a place ? Many great statesmen had employed themselves in founding cities, and should they not hold out a helping hand to one in distress ? Peter the Great founded a city upon a morass, and Louis the XIVth

attempted to build one in the English channel. He trusted the American government would have more wisdom than to see one of her's sink for want of a little timely assistance.

The question was put on the amendment and negatived, there being only twenty-six in favour of it.

Mr. BALDWIN said, he had doubted whether to make any observations on this motion, not that he was insensible to the calamitous situation which had been the cause of it, but from an apprehension that it might be thought he was too strongly affected by it. Though it might be disagreeable to one to give his judgment and to urge his opinions, when his own relation to the question was different from that of others, yet some of the reflections might not be useless to those who were to determine it. He was sure it was not a want of disposition to relieve the unhappy sufferers that had or would draw forth an observation on this occasion, but merely doubts as to the powers of the federal government in money matters. The use of a written constitution, and of that provision in it which declared that no money should be drawn from the treasury but under appropriations made by law, was very manifest from the caution which it gave in the expenditure of public money, and in laying burthens on the people ; yet he believed it impossible to obtain absolute directions from it in every case. The objection is, that Congress is empowered to raise money only to pay the debts and to provide for the common defence, and the other purposes, exactly as specified in the 8th section. The objection has often been made, but many laws have passed not exactly specified in that section. He mentioned the private acts before alluded to, the law for establishing light-houses, to aid navigation in the improvement of harbours, beacons, buoys and public piers, establishing trading houses with the Indians, and some others, to shew that though the constitution was very useful in giving general directions, yet it was not capable of being administered under so rigorous and mechanical a construction as had been sometimes contended for. He begged leave to ask and to urge the question, whether there was no possible accumulation of calamity and distress, that might be brought upon some part of the country, which would justify the Federal government in granting some relief? No doubt the usual pressure of private misfortune is relieved by the poor laws and other acts of the state governments ; but, suppose a state belonging to this Union, the greater part, or perhaps the whole, was situated on an island, and that at once, by some of

the great causes which we know operate in Nature, by tremendous convulsions and earthquakes, it was to be thrown into such a situation as some parts of the world have been, not only the whole property of the wretched survivors destroyed, but their place no longer habitable, would the Federal government think they had no powers even to grant them some of their new land as a place of refuge? He was sensible that he had put a case so strong that the bare mention almost seemed improper, and that the mind of no gentleman could follow him to that extent. He only wished to establish the principle, that there were possible instances in which it would be the duty of the Federal government to interpose relief. Whether the present calamity was so great, and the distress so pressing, that proper relief was scarcely to be expected from the state where it had happened, was a question which he must leave to their determination. He was sure they could not want for inducements from the nature of the scene, or from their own dispositions; he could not wish to heighten the colouring in which it stood before them.

Mr. RUTHERFORD again rose in support of the motion. Is it not clear, he said, that it is the duty of the people at large to come forward at this time and hold up the helping hand to those poor distressed people? He presumed the rising dignity of this great confederation demanded mutual assistance in distress. If the people are left to recover of themselves from this terrible dilemma, the nation will suffer; it is the duty, and the interest of this rising nation to help the people of Georgia; it is a part of this great family, and demands assistance from every member, this idea should be conclusive: but for gentlemen to say the law is to have its full operation at this time, is saying nothing at all: it is pouring cold water upon their distresses; it is as though you were to say to a man that is drowning, stay a while and we will come and assist you. This would be poor comfort. Policy, humanity and justice should prompt the house to the noble action. If one part of a system is injured, the whole suffers by it: all the generous feelings of the human heart call aloud for help, and I hope we shall grant it.

Mr. NICHOLAS said he meant to have given a silent vote upon this subject, and have left other gentlemen to follow their own inclinations in the business; but an attempt had been made to ridicule the opinion which he and others held of the sacredness of the constitution. In reference to what had fallen from the gentleman from Georgia, he said he had ne-

ver heard it said, that no individual instance could occur which might be an exception to a constitutional rule ; he had never heard that our laws should be so general, as to admit of no latitude, or that money should never be expended but for payment of debts or for defence.

Mr. N. said he was not satisfied with the distinctions made on this occasion, viz. that if a few inhabitants of a small town experienced loss by fire, they were not entitled to consideration, but if the same calamity happened in a large city it had a claim upon them for relief. He wished to know whether they were about to do, what ought not to be left undone ? There was no case in which they were at liberty to act or not. If they were bound to afford relief then, were they not equally bound at any future period to afford relief in similar cases ? If the thing was right and proper, relief ought to be commensurate with the distress, otherwise they did not do their duty. If it was otherwise, the thing was arbitrary, and a whim. If he voted for relieving this case, he should feel bound to relieve every future distress by fire. When an amendment was lately under consideration, it was said to be improper, because the evil was of less magnitude than the present. It was not so ; it was an explanation of the subject. The gentleman from S. Carolina said he had not heard of that fire. That gentleman lived near Savannah, and other considerations besides those of humanity might influence his conduct on the present occasion. Gentlemen had said they stood in the same situation as individual states.—That opinion, he said, had gone too far. The general government had no power but what was given to it ; but the state governments had all power for the good of their several states. If, he said, the general welfare was to be extended (as it had been insinuated it ought) to objects of charity, it was undefined indeed. Charity was not a proper subject for them to legislate upon ; and if this resolution were to pass, all the power of which they were possessed would not be adequate to raise funds to answer the demands which would be brought against the treasury.

Mr. GILES said if the present resolution passed it would make them answerable for all future losses by fire. The small sum of fifteen thousand dollars was not of any consequence, when compared with the establishment of a principle of that house acting upon generosity. He believed that neither the money, nor humanity, but the establishment of the principle was the thing aimed at. The unanimity with

which a resolution had passed the Pennsylvania legislature, was a proof that they believed they had the power to pass such a law. It was said that the general government possessed the authority. The gentleman from Georgia had said that "the affairs of men" made it necessary to depart from the strict constitutional power. For his part, he did not think they ought to attend to what "the affairs of men," or what generosity and humanity required, but what the constitution and their duty required.

The authority of that house, he said, was specified, beyond which they ought not to go : this was a principle not within the constitution, but opposed to it.

There had, he said, been several cases introduced. That of the sufferers of St. Domingo was not a case in point.— They looked for a reimbursement of the money. He believed it had been repaid ; and when the daughters of the Count de Grasse had 4,000 dollars given them, it was thought to be necessary to introduce their father's services as a consideration. His feelings, he said, were not less alive to the calls of humanity than those of other gentlemen ; but by granting the money required, they should go beyond their powers, and do no more real injury than good.

Mr. W. SMITH said that gentlemen had spoken of a sum in contemplation, but the question was not on the sum to be granted ; that would be for future consideration, and if gentlemen wished to make it commensurate with the object, they could do so. The present question was, whether any relief should be granted. He wished gentlemen would say, whether no case of calamity could exist, in which the United States ought to grant relief. He believed every one admitted such a case might occur. The question was, whether this was the case. He trusted it was, since it was an unexampled calamity.

The precedents which had been adduced, appeared to be no more strongly warranted than this. First, with respect to the relief granted the sufferers at St. Domingo. In order to make the thing more palatable, it was said that sum should be charged to the French republic. It was provisional, and the fact was they had not admitted it, and the United States paid it. In reference to the relief granted to the daughters of Count de Grasse. It was said to be for services. Did the daughters perform any services ? No ; but the father did ; but did the constitution of the United States acknowledge any hereditary claim of this sort. He believed not. This was a

mere pretence. It was an act of generosity. Another case occurred to him which had not been mentioned, viz. the recompense allowed to persons who suffered from the Western insurrection. Was this authorized by the constitution any more than the present? He believed not.

Gentlemen had said, that the legislature of Pennsylvania had a right to grant relief. Mr. S. asked what right they had to grant relief to the people of Georgia more than the representatives of the United States? These are their own citizens—the people whom they represent, and as such ought to feel for and alleviate their distresses.

A gentleman from Virginia (Mr. Moore) had said we should not grant relief to those people because we have not paid our debts. Is this a reason? Will a man say he cannot give to the unfortunate because he is in debt? Was that the case perhaps people of the greatest opulence would be as entitled to excuse as any other. Men in great business are seldom out of debt; but they may with safety be generous and charitable. The claims of those soldiers and other petitioners referred to by that gentleman, ought not to be considered as a debt. No claim, he said, which was justly due was refused payment. A certain time was set, at which all claims were to be brought in, and would have been discharged; such as were not, except in very particular cases, were rejected. This was a necessary measure and generally approved of: then surely those claims which were barred by this act of limitation, could not be considered a debt.

This argument, Mr. S. said would not do: because a man owed a little money, or another chose to say he did, he was not to be charitable. He thought the house fully authorized to grant relief in this case.

In examining different cases, Mr. S. said he found that of the widow of Major Forsyth, and also that of the orphan children of Major Trueman. Gentlemen would perhaps say that these were cases where the husband and ancestor had rendered services to the United States; and he had no doubt that the ancestors of these sufferers at Savannah, and perhaps the sufferers themselves, had rendered services to the United States. If gentlemen pleased, therefore, the words, “in consideration of services performed, &c.” might be inserted.

It had been said, that if the proposed donation was made by Congress, it would lessen the claim of the sufferers upon individual states; he thought differently. He thought it would shew that Congress believed their case a hard one,

and deserving of attention. But another thing, it was not probable that any of the legislatures would be in session for some time, except one or two. How then were the sufferers to be relieved? The few thousand dollars they had yet got, would be a mere Baggetelle towards their immense loss. He hoped, therefore, the resolution would be agreed to.

Mr. COIT said he should vote against this resolution, though he felt as much for the distresses of the people of Savannah as any gentleman in that house. Nor would his objections be on constitutional grounds. He thought where there were calls of generosity and humanity on the national treasury sufficiently strong, he should vote for paying attention to them. The present, he said, was a call of humanity from the people of Savannah; the call was loud and ought to be satisfied by somebody. The question was, whether it was made with propriety to them. He thought not, and that to agree to the resolution, would be laying a dangerous precedent. He conceived the instances which had been adduced as precedents for the present case were not in point. The application was from foreigners to the feelings of this government, which he thought had been attended to with propriety. But he said there was an obvious distinction between the two cases.—There was no probability that a foreigner would be listened to by a state legislature. This was a reason which did not apply to this case. Major Forsyth and Major Trueman had died in the service of the United States, their families therefore seemed to have a just claim for protection. The Western Insurrection was a very different thing; the grant was in consequence of exertions in favour of government.

Mr. C. said it appeared to him from a variety of reasons that this business would be best left in the hands of the individual states. The greatest difficulty attending this government, was the providing of money to support its necessary expenses. Considering this, therefore, as a precedent likely to draw great sums from the treasury, he wished to avoid giving it place.

Mr. W. SMITH said that this sum could not be a serious inconvenience to the treasury, as gentlemen knew there must be additional revenue provided. Indeed it might be an advantage to the treasury, as it might put the people of Savannah in a state of paying revenue, which they otherwise would not be.

Mr. CLAIBORNE said the more he heard, the more he found himself in favour of the resolution. By the discussion it had

undergone, he was inclined to think it was, perhaps, reconcilable with the constitution; *perhaps* it was, he said, for he was not certain. The annual revenue, he said, of that place was seventy thousand dollars to the United States; besides the great consideration of it as a frontier town. He had compared the advantages and disadvantages with respect to its relief, in his own mind, and thought it would be highly consistent with policy to grant relief. It was a place which had been in great distress, and had great struggles with enemies in times past. Can it be possible to suppose that we have not power to assist in erecting that place again, and putting it upon a footing to do good to the United States by a return of her revenue? Certainly not. Would the committee be willing that Savannah should be erased from the revenue? Are they willing to let it rest and lose it? This is impossible! Then surely it becomes policy to give aid toward its re-erection. Unless the people do receive some aid, it will be a long time before 70,000 dollars will be again produced from the revenue of that place.

For what purpose was it, Mr. C. asked, that money was spent to erect trading houses in the back countries? He answered, for the general welfare; for the support of trade, and the increase of the revenue: so will a small sum given towards the relief of this suffering town. If there could be reason to grant money to the widows of Major Forsyth and Major Trueman, there surely must be as much to do this. That he supposed was done for the public good, and this he thought would equally apply. He was forcibly impressed with a sense of its being proper and right to grant this relief—he thought his constituents would be willing to do it, and with pleasure. Except something more consistent with reason and the general good was advanced, more than he had heard, he should vote for the resolution.

On a division on the question for concurring with the report of the select committee, 26 members only rose in the affirmative, it was therefore not carried.

The committee then rose and reported their disagreement, when the house took it up.

The question was then taken, and the yeas and nays demanded, “that the house do agree with the committee of the whole house, in their disagreement to the motion;” and resolved in the affirmative. Yeas 55—Noes 24.

Those who voted in the affirmative, are,

Theodorus Bailey,
 David Bard,
 Thomas Blount,
 Theophilus Bradbury,
 Richard Brent,
 Samuel J. Cabell,
 Gabriel Christie,
 John Clopton,
 Joshua Coit,
 Isaac Coles,
 James Davenport,
 George Dent,
 Abiel Foster,
 Jesse Franklin,
 Nathaniel Freeman, jun.
 Ezekiel Gilbert, jun.
 Wm. B. Giles,
 James Gillespie,
 Nicholas Gilman,
 Chauncey Goodrich,
 Christopher Greenup,
 Roger Grifvold,
 Wm. B. Grove,
 Carter B. Harison,
 John Hathorn,
 Jonathan N. Havens,
 James Holland,
 Andrew Jackson,

George Jackson,
 Aaron Kitchell,
 John Wilkes Kittera,
 Edward Livingston,
 Samuel Lyman,
 Wm. Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 Andrew Moore,
 Anthony New,
 John Nicholas,
 Josiah Parker,
 Francis Preston,
 John Reed,
 Samuel Sewall,
 Nathaniel Smith,
 Israel Smith,
 Richard Sprigg, jun.
 Wm. Strudwick,
 John Swanwick,
 Zephaniah Swift,
 Richard Thomas,
 Philip Van Cortlandt,
 Joseph B. Varnum,
 Abraham Venable,
 Peleg Wadsworth, and
 John Williams.

Those who voted in the negative, are,

Abraham Baldwin,
 Demsey Burges,
 Thomas Claiborne,
 Wm. Craik,
 George Ege,
 Dwight Foster,
 Henry Glen,
 Andrew Gregg,
 Robert Goodloe Harper,
 Thomas Hartley,
 Wm. Hindman,
 Francis Malbone,

John Milledge,
 Frederick A. Muhlenberg,
 Wm. Van Murray,
 John Page,
 Elisha R. Potter,
 John Richards,
 Robert Rutherford,
 John S. Sherburne,
 Samuel Sitgreaves,
 Jeremiah Smith,
 Isaac Smith, and
 Wm. Smith.

Adjourned at 3 o'clock.

Thursday, December 29.

The speaker laid before the house, a letter from the secretary of the treasury, accompanying an account of the receipts and expenditures for the year 1795, which was read.

Also, another letter transmitting a report and sundry statements, exhibiting a view of the debts of the United States

on the first day of January 1790, 1791 and 1796, pursuant to a resolution of the house last session, which with the above letter was referred to the committee of ways and means.

Mr. D. Foster, from the committee of claims, reported a resolution of that committee on the several petitions of George Calmere, George Campbell, Henry Roberts and James Rowland, "that the said petitions ought not to be granted." These several petitions were read a second time, and the house concurred with the report of the committee thereon.

Mr. SWANWICK, from the committee of commerce and manufactures, reported on the petition of Francis Coppinger, in behalf of Monsieur Reliquet, recommending a disagreement to the prayer of the petition, and that he have leave to withdraw his papers: to which the house concurred.

A petition was presented from Frederick Hebner of Pennsylvania, praying compensation for a quantity of gun-powder furnished during the war.

Also, a petition of David Allshouse of Pennsylvania, praying an augmentation of the pension allowed him, and arrears of pension due to him for his services in the army.

Also, a petition of Gaffaway Watkins of Maryland, praying renewal of a military warrant for 300 acres of land, due for his services as a captain in the war, which warrant he lost.

These petitions were referred to the committee of claims.

Mr. WILLIAMS moved for the order of the day,—that the house resolve itself into a committee on the reports of committees to whom were referred the petitions of sundry refugees from Canada and Nova-Scotia.

Mr. Muhlenberg in the chair.

The first resolution read from the last report of the select committee on this subject was in these words,

"Resolved, That the prayer of the petitioners Joseph Green and others, from Canada, praying a bounty in lands and other pay, for services rendered in the late war with G. Britain, ought not to be granted." This was agreed to.

The second was thus: "Resolved, that a tract of land, not exceeding acres, be laid off north-west of the Ohio river, beginning at the mouth of the Great Miami, and extending down the Ohio, not exceeding three times the breadth in length, be immediately appropriated to compensate the refugees from the British provinces of Canada and Nova Scotia, pursuant to the resolves of Congress of the 23d of April 1783, and the 13th of April 1785.

Mr. Williams hoped the situation of the land would not be mentioned in the resolution, there were many circumstances that would render it unnecessary and improper.

Mr. HARTLEY wished to know where the land was to be, because the value of land in different places was various : he thought they ought to have land, he would not wish to be thought to object to the resolution.

Mr. VENABLE did not think it necessary to mention at this time what part should be appropriated to this purpose. A bill would be introduced in a few days, it could then be determined.

If there were objections to appropriate the land mentioned, he hoped gentlemen would then propose a spot that would suit every conveniency better. These people, he said, ought to be satisfied,—it was time they were.

Mr. DAYTON said, that the chairman of the committee had said there was no land near lake Erie of that description, belonging to the United States ; he wished to know what foundation the assertion had.

Mr. GREENUP said the committee had made what inquiry they could on the subject, of persons well-informed, who told them there was no land belonging to the United States of that description.

Mr. SITGREAVES would vote for striking out the clause as it stood ; not from any knowledge he had on the justice of the claims ; but if just, satisfaction should be given. The committee had not reported as to the value of land necessary to be given ; the value of land was proportioned to its different qualities and location ; he thought it would be as well for these people, to give them military warrants, and let them locate by lot : this had heretofore been the method, and he thought it would be as advantageous to them as any, and avoid many difficulties with respect to the grant.

Mr. MACON hoped the question would be divided ; he liked the proposition of the gentleman last up to strike out, and insert the words proposed, he therefore would wish the committee to rise, and report progress ; or if the house do not adopt the substitute, he hoped it would be recommitted.

Mr. DAYTON (the speaker) moved to strike out the words relative to location, and substitute the following resolution.

“Resolved, that provision ought to be made by law for granting donations of land to Canadian and Nova Scotia refugees, in conformity to the resolves of Congress of the 23d of April, 1783, and the 13th of April, 1785.”

This resolution was adopted.

The third was, "Resolved, that five hundred acres of land be granted to each refugee from Canada and Nova Scotia."

This resolution was attended with three explanatory restrictions. It passed, and the chairman read the first of these rules, which was, that the applicant shall make proof, before some court of record, of his actual residence in one of the provinces aforesaid, previous to the day of

Mr. GREENUP supposed this was meant merely as the outlines of a plan to be completed when the bill was brought in; at this time it was necessary that instruction should be given to the committee that they may bring in a bill consistent with the will of the house.

Mr. DAYTON objected to this, and the two following clauses. He objected also to the resolution for an indiscriminate grant of five hundred acres of land to each refugee. Some of these people would be found to deserve more and some less, in proportion to their exertions and sufferings. Some might have lost large property, or have had large families. If Mr. Dayton had observed what the committee were doing, he would have objected to the passing of that clause. He likewise opposed the present one. This clause and the remaining two were negatived.

The committee of the whole then rose. The chairman reported progress. The house took up the report. The first resolution, and the second as altered in the committee, were agreed to.

The question on the third resolution was then put.

Mr. MACON thought that it would be exceedingly improper to grant an equal quantity to each, it ought to be entirely circumstantial.

Mr. GREENUP was of the same opinion; he said some of these people had suffered more than others. The circumstances of some were such, that they were in irons in close confinement twelve or fourteen months, many of them had the warrant signed for their execution, and a variety of cruelties were exercised; these distresses required consideration.

Mr. BALDWIN hoped it would be struck out, the house should not go into particulars of the quantity to be given, or the circumstances of the persons; he had seen great difficulty attending these specifications. He did not like this loose way of doing business; they need not open land offices for that purpose; some way would be found out to give the people satisfaction.

Mr. WILLIAMS hoped the committee would not be restricted.

The question on the third resolution was then put, and lost.

A committee was then appointed of Messieurs Gilman, Williams and Greenup, with instructions to bring in a bill pursuant to the resolutions as amended.

Mr. SWANWICK called the order of the day on a report of the committee of commerce and manufactures, made the last session, on a memorial from the state of Delaware, respecting the kidnapping of negroes and mulattoes. The house accordingly resolved itself into a committee of the whole on that subject.

Mr. Muhlenberg in the chair.

Mr. SWANWICK said, that there was a mischievous practice in use of carrying these people away from the place of their residence, by masters of vessels, and selling them in other parts. The plan of the committee was to get instructions from the house to bring in a bill, making it necessary for every master of a vessel to have a certificate of the number and situation of any negroes or mulattoes he may have on board. He hoped the measure would not at all be opposed, as it only prevented thefts in this case.

Mr. COIT wished to know whether it was necessary for the United States to intermeddle with this: he wished the report had been more satisfactory, and stated the principles upon which it was formed with more precision. The evil, he doubted not, existed, but the law might create a greater evil than that it was intended to cure. It appeared to him that the laws in the several states were fully adequate to the subject without farther provision; he was not ready to give a vote on it, either way at present.

Mr. SWANWICK said, the report was grounded on an application from the legislature of Delaware. (Mr. S. here read the memorial from that state to Congress.) The practice, he said, was very injurious and dangerous to that state, and he hoped a remedy would be attempted, as it was in the power of Congress to provide one by this method; some of the states had made an attempt to remedy this evil, but their laws were broke with impunity. If the resolution of the committee passed he should move that the committee bring in a bill in pursuance thereof.

Mr. LIVINGSTON said he did not object to the principle of the motion. The committee have shewed what the states

could not do, but have not told us what the United States could do, to remedy the evil ; there could be no question of the evil of the action, but the question was, what was to remedy this evil ?

The resolution was to give aid to the different states ; it appeared to be too broad ; the report says that negroes and mulattoes are carried off, contrary to law. If contrary to the laws of the states, they certainly ought to carry their laws into effect. It cannot be done till they show us how Congress are to aid them. The committee certainly had not gone far enough in their report. There was a difference betwixt reporting on an established principle, and one which was yet to settle. He thought the report ought to go back to the committee to be amended. He could not see how the laws of the general government could operate over those of the several states. The case of stolen goods would apply to the same as negroes ; they were looked upon, in the states where slavery was permitted, as individual property ; therefore he thought stealing in one case would apply to the other. He hoped it would go back for the committee to point out a remedy.

Mr. MACON moved, that the committee rise, to make room for the gentleman's motion.

Mr. SWANWICK said the laws of the different states forbade the stealing negroes, but they had no remedy that would take effect out of their own state. And although each had effect in their own state, yet they had no power on the water. The intention of the present measure was to oblige masters of vessels, when they cleared out of any ports in the Delaware, when they took any negro or mulatto on board, to have a certificate of their being free. The situation of the state of Delaware, communicating to both the Delaware and Chesapeake was in this respect particularly exposed to insult and injury, but this remedy he thought would be effectual.—The gentleman last up wished the committee to rise in order to recommit it ; he should vote for it, if the gentleman was willing to add, “to bring in a bill.” The gentleman was in the committee, if he had stated his objections there, it might have saved time.

Mr. COIT imagined that the report was a very lame one. The object of the bill should have been stated more fully.

Mr. MURRAY wished to know what was fully meant by the idea of preventing kidnapping. He confessed he did not rightly understand the meaning of the word. Was the in-

tention of the committee to have reference to the taking of free negroes, and selling them as slaves, or the taking slaves to make them free.

Mr. SWANWICK said it was intended to prevent both evils. It was intended to prevent their being stolen from their masters; and also, to prevent the power of the master taking them to the other states to sell them. This measure he thought would prevent both. The state of Maryland had taken measures to prevent it themselves; they had made it a heavy penalty to take a negro out of the state, but that is not effectual to prevent the evil now complained of. This was meant to prevent the practice by examining ships before they sailed, and where they arrived.

Mr. W. SMITH wished the committee to rise; not with a view of recommitting the report, but to get rid of the business altogether. The subject he said involved many serious questions. It required very serious consideration, and he wished it had never come up. It was a question with him how far Congress had a right to meddle with it at all. He felt alarmed on the subject as brought from that state. He considered it as a kind of *entering wedge*, as a gentleman had lately said, on another occasion. It was altogether a municipal regulation and not at all connected with trade or commerce, and therefore ought to be left to the state legislatures to settle. He did not think the constitution allowed that house to act in it.

Gentlemen had said that the laws of the state took no effect on the waters. This he thought was founded on a mistake. The laws of the states could prevent robbery on water as well as on land, if within the jurisdiction of the United States. He hoped the committee would rise and dismiss the business.

Mr. ISAAC SMITH thought the gentleman knew not the proper meaning of the report. It was not to make a law against stealing, merely, but against its being done successfully—many instances, he said, had occurred, where they had been hid for many days on board the ships and taken away in the night to the West Indies and other parts of the world to sell them. It was impossible that the existing laws of the states should prevent this fraudulent practice: the intent of this law was to prevent this practice: by being examined and forced to take certificates along with them, it could not be easily done. The particulars of the remedy would be

more easily seen when the bill was brought in ; it would explain itself ; it then might be modified, altered, or rejected altogether. He thought it could give no offence or cause of alarm to any gentleman : and he was sure it was no way contrary to the constitution.

Mr. MACON wished the committee to rise, and not have leave to sit again : he began to see more of the impropriety of the measure than before, and for the same reasons as the gentleman from S. Carolina (Mr. Smith.)

Mr. SITGREAVES hoped the business would not be got rid of in this way ; he hoped gentlemen would be inclined to treat this question of humanity with as much candour as they usually shew to other subjects. He owned he had been very much surprised at the gentleman from Maryland (Mr. Murray) attacking the subject by that side way. The gentleman asked what was the intention when speaking about kidnapping ; he seemed not to know the meaning of the phrase ; surely this is not that gentleman's wonted candour ; he has not commonly satirized in this manner : but no one could be at a loss to understand the gentleman's insinuation at this time.

This, Mr. S. said, was introduced to prevent free men from being kidnapped—it is honourable in the legislature to take it up. If it was otherwise, that slaves were kidnapped and made free men of, he was willing to join with this gentleman to correct it. Let us not, said he, because two evils exist, correct neither, this is not a mode of agreement, it ought not to prevail in this, or any other public body.

The gentleman from South Carolina wished the committee to rise, in order to get rid of the business, because it was crude and undigested. If this is the case, let it be put into a proper form, by instructing the committee to bring in a bill ; this would obviate all such objections, or give a fair scope to argument. The report was objected to, because the principle upon which it was founded did not appear : then let gentlemen agree for it to go back to the committee, it would then come forward in an explicit form ; the gentleman would then be convinced that it had no interference with state regulations, but, in conformity to them all, would render them legislative aid, to which their power did not extend.

Mr. SWANWICK said, this house had ascertained a certain proof, by which our seamen are known, by giving them a certificate of their citizenship, specifying their person and free-

dom, which had operated against impressment. And was it not equally necessary, and would it not be equally competent to protect a man from injuries to which his colour has exposed him ? Our unfortunate negroes and mulattoes are exposed by their colour to much insult. In some places, he said, they were so exposed, that colour alone was evidence of slavery.—He would not enter into the question whether all ought to be free, because it was not immediately before the house ; but if these people were black or white, if free, they ought to be protected in the enjoyment of their freedom, not only by state legislatures but by the general government. When gentlemen came into such a business as this, they should wait till it came before them in a proper form ; not reject it, before known : gentlemen seemed to be going on in the dark. If it was not consistent with the constitution, it would then be proved, as no doubt gentlemen would search for themselves. If this method be adopted, it is possible to bring the masters of your coasting vessels, and others, to apply for a certificate, and thus prevent that fraudulent practice.

If such an evil does exist, this is the most efficient remedy ; it will answer the purpose of the gentleman from Maryland, by preventing slaves being made free men also. There are laws in some of the states, Pennsylvania for one, that will not suffer slaves to be taken out of one state into another. So far as this can operate, so far it will be successful ; but when out of our power—when there is a possibility of evading wholesome laws, is it not right to secure a power to aid the institution, by adding to them the force of your jurisdiction to prevent imposition ? And if it can be done, does not humanity and justice require your utmost effort ? Mr. S. hoped it would be treated with respect, and obtain all the aid that it required from the general government.

Mr. MURRAY did not expect to have raised the sensibility of the gentleman last up. It really arose from his ignorance, he said. He wished to know the origin of the business : he did not know whether it had originated in a memorial, or whether it came from the humanity of some patriotic member unsolicited. Great and manifold evils did exist in this point : he meant to make a motion on the subject, as Maryland felt heavily from the practice. He confessed he was not sufficiently acquainted with the English language to know the proper meaning of the word *kidnapping* ; he therefore wished to know whether it extended to the object he had in view ; he declared he did not wish to encourage the harbouring of

negroes; far from it ; he wished to prevent it. He did not think the law extended far enough on that point : at present negroes, through the influence of their own minds, or the insinuations of others, or both, frequently leave their masters, and are harboured by other persons ; the law takes no notice of this, except it can be proved that the negro is some person's property, and has absconded ; this is very difficult to prove, therefore great evils attend its lenity.—'Tis true, if it can be proved that the negro has absconded and was harboured, there was a very heavy penalty inflicted—but, he said, this was difficult to prove ; this, he owned was his *insinuation*, as the gentleman termed it ; and upon this subject he meant to claim the attention of the house.—This evil, he said, might arise from the false philosophy and misplaced philanthropy of the advocates of emancipation.—He was ever willing to give the question a fair trial ; and thought himself bound to thank the gentleman for his extreme benevolence in advocating it.

Mr. SITGREAVES rose merely to acknowledge his pleasure to hear the gentleman was willing for the subject to undergo a full and fair investigation ; how that investigation was to go on he did not say. Mr. S. hoped the subject would not be got rid of, as a gentleman had wished. If further information was wished on the business, he had no objection to the committee's rising and recommitting it. If by any thing he had said it should be thought that he approved of all the operations of emancipation, he would answer, this was not the case ; he believed that too great zeal in a cause may carry it too far, and produce bad effects ; but this was no part of the present question ; it was not to make those persons free that were slaves, but to preserve those free that were so now.

Mr. SWANWICK, to satisfy the gentleman from Maryland, told him, that the business came before the house from the state of Delaware.

Mr. W. SMITH said, he did not know how far the committee should go, he should not vote for the business to go into the committee. He said it was that kind of business which, by the constitution, was to be left to the different states, he could not agree to the business going any further. The observations of the gentlemen from Pennsylvania had convinced him, that that house ought not to interfere with the individual states on the subject, the interests and policy of the different states were so various, that it would be a dangerous thing to meddle with. He thought it an improper question

for discussion ; he conceived it would be sound policy not to touch it in that house. The gentleman had gone too far, to make use of the word *emancipation*. He feared lest the use of it should spread an alarm through some of the states. It might imperceptibly lead from step to step till it ends in mischief.

The gentleman spoke of the waters : the states have jurisdiction over all the navigable waters within their bounds ; and where two states are separated by a river or bay, it would then be easy for a negotiation between those two states to provide security to their citizens from injury on such waters. Let not the general government intermeddle with the states policy ; it might cause very considerable contests and injury. He hoped it would drop altogether.

Mr. NICHOLAS hoped the business would not be dismissed. We, said Mr. N. who reside in the Southern states, are unfortunately possessed of such a kind of property as has a considerable odium attached to it ; but if we unfortunately hold slaves, we ought not to contribute to the making slaves of free men, but I would wish to establish them in their freedom. If we can give relief as the thing exists, let it be, by all means do it, whether it incur the pleasure or displeasure of some of the slave holders. He hoped the subject would have full investigation.

The question was then put for the committee to rise. Fifty-four members rising in the affirmative, it was carried.

Mr. SITGREAVES then moved for the committee of the whole to be discharged from the farther consideration of the report ; this, he said, was in order to make way for another motion to refer it back to the committee, to report by bill or otherwise.

The question was put and the committee discharged.

Mr. SWANWICK moved that the business be recommitted to the committee of commerce and manufactures to report by bill, or otherwise.

Mr. SITGREAVES hoped no opposition would be made to this motion ; for if the committee brought in a bill it could then be objected to the same as though the subject had never been introduced.

Mr. W. SMITH hoped the last part of the motion "by bill or otherwise" would be omitted. Suppose, he said, the committee should find it inexpedient to bring in a bill, were they obliged to do it ? This would be tying them to a certain mode which perhaps they may not approve, and they have

not the power left them to negative. He thought the house ought to follow the usual course and instruct the committee what to do.

Mr. NICHOLAS supposed the committee would not be offended, for he did not consider their power so circumscribed as the gentleman last up : whether they may find it expedient was to be tried.

Mr. SWANWICK said, the minds of the committee were already made up, they had reported, and to tie them up not to do more than they had already done,—to send them back without some new instructions, would be doing nothing at all.

Mr. COIT wished the subject to be postponed for further consideration before it was sent to the committee. He had doubts as to the propriety of sending it at all. He thought it had not had that discussion a subject so important required.

Mr. SWANWICK said, gentlemen in general allow it ought to go to the committee of commerce and manufactures ; the gentleman from Connecticut (Mr. Coit,) is a member of that committee ; the gentleman from S. Carolina (Mr. Smith) is also a member ; it is somewhat surprising they want information ; they surely cannot object to its being referred, as then they may have an opportunity to accommodate measures more to their own desires.

Mr. W. SMITH said, he believed this was the first time it was considered in the house ; it had been tried in a committee but never taken up by the house, and now gentlemen wish to send it back to the committee with instructions to bring in a bill. The committee of commerce and manufactures was considerably deranged since last session, when this business came before them, many new members were added, and it required more information before it could come to the conclusion prescribed.

Mr. SITCREAVES said, if any one good purpose could be derived to the house or to the gentlemen, he would not oppose ; but he was at a loss to know what good object could be attained by a delay. With respect to what had been said by the gentleman (Mr. Smith) that the committee were forced to bring in a bill ; he was surprised such an idea should be formed. If that committee report a bill, this house is not even pledged to pass it. When the subject is sent to the committee with that instruction, can it be conceived that committee is forced to report a bill ? There is no such thing intended nor included in the words, as either this house should be pledged to pass a bill, or that the committee should report

one. The object is that the house, through the medium of the committee should have a plan prepared for their consideration, and the word *otherwise* leaves the committee to exercise its own discretion as to the report.

The gentleman from Connecticut, with a prudence and consistency highly becoming, wishes time to think on the subject. But how is that gentleman to have foundation for his reflections until a bill is drawn? Mr. S. did not know what were the resources of that gentleman's mind, but for himself, he must own that in all the attitudes which this business had presented itself, he could not distinctly see the plan. One gentleman had said there was no remedy the United States could apply but what was incompatible with the laws of the individual states; Mr. S. presumed, that until he sees the mode to be adopted he could not say whether it was easy or difficult. On the whole, he thought to postpone the subject could answer no good end, while it might delay the object, and do injury.

Mr. COIT said, very probably the resources of his mind may not be equal to that gentleman's, he therefore wished the subject to be delayed, that he might have time to get into the knowledge of the business.

Mr. SMITH thought it had best be referred to the committee of ways and means, if it must be committed, as it was a matter entirely of a legislative nature. The gentleman from Pennsylvania (Mr. Sitgreaves) said, that the only way to get right was to refer it to a committee to bring in a bill. He would ask what were they to give the house? We must depart, said Mr. S. from our usual custom; we must pledge ourselves, and bind the committee to report by bill or otherwise.—He thought the house ought at least to have one day's notice to consider the subject. He said he was not now satisfied whether it was consistent with the constitution.

Mr. Coit's motion for postponement was then put and carried. Ayes 46, Noes 30.

Mr. VENABLE gave in a report, from the committee of elections, of the due election and return of Elisha R. Potter from Rhode Island, in the place of Mr. Bourne, resigned.

Mr. BLOUNT then called for the order of the day on the report of the secretary of war on the petition of Hugh Lawson White, a soldier under General Sevier, against the Indians. The house accordingly resolved itself into a committee of the whole.

Mr. Muhlenberg in the chair.

The following report from the committee of claims was then read.

“ That the claim set forth in the said petition, is intended to establish a principle that will apply to the whole of the militia which were called out under Brigadier General Sevier, in 1793, to act offensively against certain Indians south-west of the Ohio.”

“ That the expedition against these Indians, as appears from the muster rolls, comprehended a period of above five months, or from the 22d July to 31st December 1793.”

“ That it was undertaken without authority derived from the President, under the laws of the United States, and for the avowed purpose of carrying the war into the Cherokee country.”

“ That the tenor of the instructions from the department of war to the governor of the south-western territory forbade offensive operations.”

“ That these considerations have heretofore opposed the settlement of the claim, and occasioned the reference for legislative interference.”

“ Having given these facts, it may be proper to add, that it appears, by a recurrence to official papers, that the Indians had greatly perplexed and harrassed by thefts and murders, the frontier inhabitants of Tennessee; and previous to the service, for which compensation is demanded, had shown themselves in considerable force, and killed at two stations (one of them within seven miles of Knoxville) fifteen persons, including women and children, as stated in the annexed letter; that it must rest with Congress to judge how far these aggressions of Indians, and such other circumstances as can be adduced to the parties, constitute a case of imminent danger, or the expedition a just and necessary measure.”

Copy of a letter from Daniel Smith, to the Secretary of War, dated Knoxville, 1st October, 1795.

S I R,

“ BY adverting to the correspondence of governor Blount, in the year 1793 (previous to his going to Philadelphia) with Mr. Secretary Knox, it will appear that very frequent acts of hostility were perpetrated on the citizens of this territory, by the Cherokee and Creek Indians. Their repeated murders, which his vigilance could not prevent, I cannot say were in all cases borne with as much patience as they ought to have been, considering the hopes that were

held out to them that the general government would, in due time, interpose with efficacy."

Shortly after the governor's departure for Philadelphia, the enormities committed by these Indians, far from abating, grew more flagrant. A Capt. John Beaird (availing himself of the general temper of the frontier citizens, heated by repeated murders being committed on them) being ordered on duty by governor Blount, about two days before his departure, to pursue and punish the murderers of one Gilham and San, but restricted in his order from crossing the Tennessee, violated these orders, crossed the Tennessee, and killed several Indians at the Hanging Maws. Beaird said, on his return, he had pursued the trace of the murderers. I own I did not believe him. But the fact stands now so well attested by the testimony of several men of credibility, even of some connected with Indians, who, if they had any bias, it might be presumed would lean in favour of the Indians, that I cannot refrain from believing he did follow the trace of the murderers across the Tennessee.

A while after this a party of about 200 Indians made an attack on Henry's station, they not only killed one of our privates, but talked of taking the garrison.

On that quarter being so vigorously invaded, I ordered General Sevier to march to the defence of the frontiers, with one-third of the militia who had been ordered, previous to the governor's departure, to hold themselves in readiness for such a service. But the general, under this order, had not collected more than about three hundred infantry and two troops of horse, when a large body of Creeks and Cherokees attacked and carried Cavet's station, seven miles below this place, and killed every man, woman and child, belonging to it, being thirteen in number.

From the information I then received, I was convinced there would not be less than 1200 Indians in arms against us, and later information proves that number stated too low.

My situation was distressing. I could look on this act of the Creeks and Cherokees in no other light, than as positive a declaration of war as ever was or can be denounced by one nation against another, because it was the act of so great a proportion of these tribes, not the act of what the chiefs are apt to call a few bad young men, but headed also by the most distinguished of their warriors. Should I forbear to yield protection to the inhabitants, such conduct would be charged

both with want of duty and humanity, and criminal in a great degree. Notwithstanding Beaird's act cannot be justified, it may be palliated in a great degree from his having actually followed the trace of Gilham's murderers, as now appears ; and had it not this palliation, could I look on and see the whole of the inhabitants sacrificed ! innocent men, women, and children ? Ought I not to have made use of the power understood to be lodged with me by the constitution, in the latter part of the 10th section, 1st article, where each individual state is restricted from engaging in war, unless actually invaded, or in such imminent danger as will not admit of delay ?

I hesitated not, but ordered General Sevier, with what troops could be hastily assembled, to repel and pursue these invaders ; and in so doing, I then believed I consulted the true interest of the United States. The consequences have confirmed the fact that my opinion was well founded.

The service which those troops performed was of that importance, that it laid the ground work of our present tranquillity, which otherwise could not have been effected.

Yet I learn the general and his men have not been paid. This, to my mind, carries a tacit censure of my conduct.

If no act of Congress exists, embracing the case, permit me to suggest the propriety of laying the matter before that body, to obtain their sense thereof.

I am, Sir, &c.

(Signed)

DANIEL SMITH.

Timothy Pickering, Esq.

Secretary at War.

Mr. A. JACKSON said, by a recurrence to the papers just read, he doubted not it would appear evident, that the measures pursued on the occasion alluded to would appear both just and necessary. When it was seen that war was waged upon the state, that the knife and the tomahawk were held over the heads of women and children, that peaceable citizens were murdered, it was time to make resistance. Some of the assertions of the secretary at war, he said, were not founded in fact ; particularly with respect to the expedition being undertaken for the avowed purpose of carrying the war into the Cherokee country ; indeed they were contradicted by a reference to General Smith's letter to the secre-

tary of war. He trusted it would not be presuming too much, when he said, from being an inhabitant of the country, he had some knowledge of this business. From June to the end of October, he said, the militia acted entirely on the defensive when 1200 Indians came upon them and carried their station, and threatened to carry the seat of government. In such a state, said Mr. J. would the secretary (upon whom the executive power rested in the absence of the governor) have been justified, had he not pursued the measures he did of pursuing the enemy? He believed he would not; that the expedition was just and necessary, and that therefore the claim of Mr. White ought to be granted.

He therefore proposed a resolution to the following effect.

“Resolved that General Sevier’s expedition into the Cherokee nation, in the year 1793, was a just and necessary measure, and that provision ought to be made by law for paying the expenses thereof.”

Mr. HARPER said, this appeared to be a subject of considerable importance; he hoped the resolution would, for the present, lie on the table. He therefore moved that the committee rise and ask leave to sit again.

Mr. COIT said, the report wanted some more preparation before it should have come before the house; he would therefore move that it be referred to the committee of claims; he knew of no reason against this reference, as many reports from heads of department had been so referred.

Mr. BLOUNT hoped the motion would not prevail: the expedient of referring it to the secretary at war was resorted to, when it first came before the house. He hoped now it would not be deferred but decided on. He thought the committee of claims, from having once had it before the house, knew as much of the case as they could know, and perhaps all was included in this report.

Mr. D. FOSTER made the same observations in effect as Mr. Blount.

Mr. COIT said, gentlemen had not given a shadow of a reason why it should not be referred to that committee.

Mr. JACKSON owned he was not very well acquainted with the rules of the house, but from the best idea he could form, it was a very circuitous way of doing business; why now refer it to the committee of claims, when all the facts are stated in this report, he knew not. If this was the usual mode of doing business, he hoped it would not be referred.

Mr. W. LYMAN thought the time it was under consideration before, when referred to the secretary at war, was the time to have thought on referring it to that committee ; but now it was too late ; now the house had a report before it.— It appeared to him a mere formality. It looks like throwing the business out. He had not made up his mind which way he should vote, but he thought one report was sufficient, he therefore hoped it would come under consideration.

Mr. BLOUNT said, when first he presented it, he moved it to be referred to the committee of claims : it was then rejected, and sent to the secretary at war.

The committee rose and obtained leave to sit again.

The speaker laid before the house a letter from the secretary of the treasury, transmitting a letter with sundry documents from the commissioners at the Federal city, exhibiting a view of the receipts and expenditures of all the monies entrusted to them ; and also of the progress and state of the business ; and of the funds under their administration, from May 17, to November 18, 1796. Ordered to lie on the table.

On motion of Mr. D. Foster, the letter of the secretary of the treasury, transmitting copies of the proceedings of the accounting officers of the treasury, upon certain claims which have not been admitted to be valid, laid before the house December 24, 1795, be committed to a committee of the whole house, and made the order for to-morrow.

Mr. HARPER said, that in the report of the unfinished business of last session, there was a bill to establish an uniform system of bankruptcy throughout the United States. The subject, he said, had been often thought on, but never had been taken into serious consideration ; the state of the country called for it, and it became more and more necessary, in order to take some steps to bring the business forward, he would move that it be now committed to a committee of the whole house.

Mr. MACON thought it very improbable that a business which could not be done in a session of 7 or 8 months should stand any chance in so short a period as that remaining of this session, he should therefore oppose committing it this session.

Mr. SITGREAVES said, it was true the present session was short, but he thought the house should not be prevented from entering into such an important and necessary business as this ; if there was business of much importance that was not yet before the house, it was in the hands of committees, he

thought there was now an opening for it. The bankrupt system deserves immediate discussion ; it was looked upon as important at the framing the constitution. He had heard the gentleman from S. Carolina say, that it was taken up at the first Congress. He wished it to come before the house that he might judge of its merits. There appears to be an injunction for us to take it. The states would then know how to frame their systems consistent with the general laws : he knew the state of Pennsylvania had a desire to adopt some uniform system on this subject, but seeing on the journals of this house, that it was in contemplation of the general government, they impatiently waited the discussion of it, to frame theirs accordingly. It had been mentioned to that assembly by the governor in his last speech, as an object much wanted. They only declined the business to wait for this house to do it. He hoped the house would at once say whether they meant to do any thing or not, and thus relieve the states of that solicitude they had on the subject. With respect to its delay last session, he would observe, that business of, perhaps, greater importance, almost constantly occupied the house to a late period.

Mr. W. SMITH could see no reason why this business should now come before the house ; he thought there may not be time to settle it ; he saw a great propriety of getting done with the business with all possible expedition, but other important business now presented itself. So long ago as the year 1789, he said a committee was instructed to bring in a bill, which they reported in 1790. The very printing of reports of committees on this subject, from year to year, had cost immensity of money, and now gentlemen wish it to cost another hundred dollars without any advantage. He was persuaded gentlemen would find immense difficulty attending the subject to make it suit all capacities, perhaps much more than they might expect. If gentlemen can have any reasonable prospect of going through with the business, he wished it to be taken up, but he feared other concerns would intrude and render its postponement necessary.

The question was put and lost. Ayes 30. Noes 40.

Mr. MURRAY said, as the subject of kidnapping negroes had been brought up, he had a motion to make on the subject, with respect to fugitives from justice. He had mentioned the subject before. He thought if a sum of five hundred dollars was to be recoverable from persons employing such as had absconded from their masters, it would have a very good tendency.

The evil complained of is, that the person employing a negro in this situation cannot be sufficiently proved to have done it designedly or not ; the present law obliges the master to prove that the one who employs him, had known that he was another person's property, and is run away, before any damages can be recovered ; this is extremely difficult to do. He should therefore propose the following resolution, in hopes by it a remedy would be provided, viz.

Resolved, that a committee be appointed to inquire if any, and what alterations are necessary in the act, entitled " An act respecting fugitives from justice, and persons escaping from their masters," which was ordered to be laid on the table.

Adjourned at three o'clock.

Friday, December 30.

Mr. D. FOSTER, from the committee of claims, made report on the petitions of Andrew Ramsay, and Nathan Smith, with a resolution that their prayer could not be granted ; to which the house concurred.

A memorial was presented by Mr. Freeman, from Jeremiah Allen and others, holders of bills of credit, emitted in pursuance of a resolution of Congress in 1780, praying that provision may be made for the payment of the principal and interest thereof.

Also, by Mr. A. Jackson a petition of George Colbert, one of the chiefs and warriors of the Chickasaw nation of Indians, complaining of a non-performance of stipulations entered into, in certain *talks* held with Governor Blount and other agents of the United States, in which they agreed in a defensive support of each others rights ; that their nation was invaded by the red people (the Creeks) when they applied according to treaty for aid ; that their brother (James Robertson) said he had no orders to send them any assistance, and that he must first have orders from their father the President of the United States. However a detachment of volunteers under the command of Colonel Mansker came to their aid. He asked compensation for supplies furnished to that detachment during sixty days ; he said he had applied to his beloved friend the secretary at war, who told him that Congress had set apart no money out of which it could be paid. He therefore applied to Congress for relief.

This petition with the last memorial were referred to the committee of claims.

The petition of Lewis H. Guerlain of New-York, in behalf of Messieurs Bethman's, was presented by Mr. Gilbert, praying remission of duty on a quantity of wine destroyed by fire at New-York, which was to have been exported to the West-Indies, when they would have been intitled to the drawback. Referred to the committee of commerce and manufactures.

The house according to the order of the day again resolved itself into a committee on the petition of Hugh Lawson White.

The resolution of Mr. A. Jackson having been read ;

Mr. COIT called for the reading of the petition upon which the report was founded. It was read.

Mr. A. Jackson said the rations found for the troops on this expedition had already been paid for by the secretary of war, and he could see no reasonable objection to the payment of the whole expense attending the expedition. As the troops were called out by a superior officer, they had no right to doubt his authority. Were a contrary doctrine admitted, it would strike at the very root of subordination. It would be saying to soldiers, "Before you obey the command of your superior officer, you have a right to inquire into the legality of the service upon which you are about to be employed, and until you are satisfied, you may refuse to take the field." This, he believed, was a principle which could not be acted upon. General Sevier, Mr. J. said, was bound to obey the orders he received to undertake the expedition. The officers under him were also obliged to obey him. They went with full confidence that the United States would pay them, believing that they had appointed such officers as would not call them into the field without proper authority. If even the expedition had been unconstitutional (which he was far from believing) it ought not to affect the soldier, since he had no choice in the business, being obliged to obey his superior. Indeed, as the provisions had been paid for, and as the ration and pay rolls were always considered a check upon each other, he hoped no objection would be made to the resolution which he had moved.

Mr. COIT said he had called for the reading of the petition because he could not see the connection between it and the resolution under consideration. The petition prayed for recompense for the service of the petitioner, and the men under his command, and the proper resolution would be that the prayer of it ought or might not be granted ; but, instead

of this, the resolution before them went to the whole troops employed in General Sevier's expedition.

Mr. A. JACKSON said, by referring to the report it would be seen that the secretary of war had stated, that to allow the prayer of this petition would be to establish a principle that would apply to the whole of the militia in that expedition. If this petitioner's claim was a just one therefore the present decision ought to go to the whole, as it was unnecessary for every soldier employed in that expedition, to apply personally to that house for compensation.

Mr. RUTHERFORD observed, that the gentleman from Tennessee had set the matter in so fair a light that it was not necessary to say much more on the subject; but, as he had been acquainted with the frontier from his infancy, he would just give it as his opinion, that the expedition was a necessary one, and that the expense ought immediately to be paid. He hoped, therefore, the resolution would be agreed to unanimously.

Mr. HARPER was not prepared to say, without more information than he had on the subject, that the measure was just and necessary, or the contrary. He felt disposed to think favorably of the expedition; but he thought the house should have further information before it came to any resolution on the business. They had, it was true, a letter from General Smith, the then secretary, but he thought this was not sufficient. He thought it would be best to refer the report and other papers to a select committee, with instructions to inquire into the necessity and propriety of the expedition, and report thereon. He hoped, therefore, the present resolution would be disagreed to, and the committee would rise. He would then bring forward a resolution to that effect. The secretary of war, he said, had not gone fully into the subject; he had given them copies of two letters, but not his opinion. He did not think that an expedition of so important a nature, and which must involve in it a very heavy expense, should be decided upon without further information.

Mr. CRAIK agreed in sentiment with the gentleman from South Carolina (Mr. Harper). He said there was great difficulty in forming an opinion from the report itself; for though the secretary of war seemed to think the calling out the militia necessary, there were other expressions in the report which appeared to convey a contrary sentiment. He referred to the letter of General Smith, but mentioned that there were other papers. He could not say the expedition

was not necessary ; but he thought farther information was desirable, and that the report should be committed to a select committee, for the purpose of gaining that information.

Mr. W. SMITH agreed with the two gentlemen last up, that further information was necessary.—The question, he said, involved a number of important points. In the first place, a question was involved whether, if the expedition was necessary, as it was not authorised by law, the expense ought to be defrayed by the United States. By the report of the secretary of war, it appeared, that Congress were well apprised of all the circumstances which rendered the expedition necessary, yet they did not think proper to authorise it. In the letter of the secretary of war to Governor Blount, on the subject, was this passage, “ if those difficulties existed while the Congress were in session, and which, it was conceived, they alone were competent to remove, they recur, in the present case, with still greater force ; for all the information received at the time Congress were in session, was laid before both houses, but no order was taken thereon, nor any authority given to the President of the United States ; of consequence his authority remains in the same situation it did on the commencement of the last session. It is indeed a serious question to plunge the nation into a war with the southern tribes of Indians, supported, as it is said they would be. “ Mr. Smith also read from the report “ that the expedition was undertaken without authority, &c. The secretary afterwards indeed stated, in his report, the disagreeable situation of the country at the time, by way of palliative ; but, as Congress were possessed of these facts, and did not authorise offensive operations, it became a nice point to determine whether the expedition in question was justifiable. He would not say that such a situation of things might not occur, as would justify a measure of the kind, but it was of consequence to determine whether this was such a case, which could not be done hastily. Neither had the house any information of the magnitude of the expense, whether it could be two or three hundred thousand, or half a million of dollars. He should therefore hope the committee of the whole would be discharged, and that the business would be committed to a select committee.

Mr. MADISON saw no necessity for referring this business to a select committee. If it was suggested that the official information which was before them was inaccurate, and that a more full explanation of the situation of things was necessary,

there would be some ground for the reference ; but he did not find that this was the case. The secretary of war stated facts and referred to documents to prove " that the Indians had greatly perplexed and harrassed by thefts and murders, the frontier inhabitants of Tennessee, had shewn themselves in considerable force, and killed at two stations fifteen persons." If this was a state of facts, and it could not be doubted, the words of the constitution on this subject were clear, " No state shall, without the consent of Congress, lay any duty on tonnage, keep troops, or ships of war, in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war unless actually invaded, or in such imminent danger as will not admit of delay." There could be no doubt, therefore, Mr. M. said, but this expedition came within the meaning of the constitution. In many cases, he said, it was difficult to determine betwixt offensive and defensive operations, as it was sometimes necessary when acting on the defensive, to use an offensive measure. He had no doubt on the subject; and thought the expense of the expedition should by all means be paid.

Mr. DAYTON (the speaker) said that he was not prepared to adopt the resolution which was moved by the member from Tennessee, nor even to decide finally upon it, unless he could be persuaded that the gentleman from Virginia (Mr. Madison) was correct in saying that the report before them contained all the information which it was possible to obtain. He was convinced that there were other official papers and documents which would throw additional light upon the subject, and therefore ought to be in possession of the committee of the whole before they took any decisive step. He alluded to the confidential communications from the President in December 1792, which gave rise to lengthy discussion with closed galleries, upon the measures that ought to be adopted in consequence of the hostile acts and threats of those very south-western Indians who were the objects of the expedition for which they were called upon to pay. The house of representatives then decided that they would neither declare war against those nations of Indians, nor authorise the President to carry an offensive expedition into their country, if in the recess of Congress, he should deem it proper in consequence of their continuance in hostility. As the acts of Congress upon this very application would operate in future as a precedent and a kind of commentary on that part of the constitution which limited the instances in which a state might levy troops and

act offensively without the previous assent of the general government, they could not, Mr. Dayton said, be too particular in their investigation, nor too strict in their reference to dates and facts. He hoped that the committee of the whole would be discharged, and the report of the secretary of war referred to a select committee whose duty it would be to report those facts with their dates, which gave rise to the claim in question, and which justified, under the provision in the constitution, the raising of troops and carrying on an offensive war without the previous consent of Congress or approbation of the President.

Mr. NICHOLAS believed, on a reference to dates, it would be seen that these attacks of the Indians were subsequent to those which were in the knowledge of Congress at the time mentioned, as they took place while Governor Blount was at Philadelphia; and he thought no farther information was necessary on the subject, than the letter from General Smith to the secretary of war, printed with the report, to prove that the expedition was both just and necessary. Gen. Sevier's going into the Cherokee country was no proof that his operations were offensive. If other information could be obtained by referring the business to a select committee, he should have no objection, but he believed this would not be the case. He wished the letter of General Smith to be read. It was read accordingly.

Mr. BALDWIN was not able to recollect how great a portion of the members present were in the house when this business was brought before Congress in the year 1792. His own recollection was fresh upon the subject. It was a period when they were much alarmed for our Indian frontier, north and south. The north was fortified, and it was recommended to have a legion on the south. The gentleman from S. Carolina, he recollected, was opposed to the measure, and thought the executive had determined too soon upon hostility. Mr. B. said he had at that time frequent conversations with the then secretary of war, who informed him that he had written to the governor of Tennessee, that, in case the pressure of the Indians was so great as to require it, he must call out the militia. The governor was well known, and sufficient confidence was placed in him, that this power would not be abused. He believed the troops on the northern frontier had not proved sufficient, and that they had already paid the expense of troops, which were called in to their assistance.—At this period, Mr. B. said, the danger which threatened the

country was great, and it was happy for us it had been so well got over. He believed it was well that the legion for the southern frontier was not equipped, though he at that time thought it necessary. The expense of the expedition in question, he said, would be nothing compared with that which would have taken place, had the legion contemplated been equipped. Mr. B. said he had no doubt with respect to the propriety of paying the expense of this expedition. He did not think the number of men was great, or that the charge would be very heavy.

Mr. DAYTON (the speaker) said he was inclined to believe the attacks of the Indians, which provoked the expedition of General Sevier, were subsequent to those in the knowledge of Congress at the time the subject was under discussion.

He was one of those, he said, who thought that the hostile dispositions shewn by those Indians at that time called for force, and he had introduced a resolution, by means of his colleague, to that effect. It was not, therefore, that he did not think the expedition authorised, but because he had a desire to have the facts relative to the subject clearly stated, that he wished the business to be committed to a select committee.

Mr. RUTHERFORD said they were not particular about the manner of doing the business, provided it was done. He was confident the expense of the expedition ought to be paid. When the Indians were upon them, what could the governor do? Was he to send forward to the seat of government to be instructed what to do? No; resistance was necessary, and it was not becoming in them now to say, "You did not act perfectly regular—the thing was not exactly as it should have been." It was a critical period, he said, and if the expenses were not paid, it might have a bad effect in future.

Mr. KITCHELL was in favour of the committee rising. He remembered the transactions which took place on this business, as mentioned by his colleague (Mr. Dayton). He said he was one of those who voted against the proposition of using hostile means, because he thought it possible to ward off the evil. It had been warded off; but he believed there was sufficient ground for calling out General Sevier, and he doubted not, if the business was referred to a select committee, the result would be satisfactory to those gentlemen, who brought forward the business.

The committee rose and leave not being granted to sit again, on motion, the report and papers accompanying it,

were referred to a select committee of Messieurs A. Jackson, J. Smith, Blount, Dent and Harper.

Mr. COIT said, that there had been several petitions from revenue officers, for an increase of salary, part of which had been committed to the committee of commerce and manufactures, and others to the committee on compensation : in order that the whole might go into the same hands, he proposed the following resolution :

“ Resolved, That the committee of commerce and manufactures be instructed to inquire and report whether any, and if any, what alterations ought to be made in the compensations allowed by law, to the officers concerned in the collection of the revenue. And that the committee on the subject of compensation be discharged from the consideration of memorials from revenue officers. Agreed to.

Mr. W. SMITH then called for the order of the day, relative to the report of the committee of ways and means, on the debts due from certain states to the United States as reported by the commissioners appointed to settle the accounts.

The house then went into a committee of the whole.—

Mr. Muhlenberg in the chair.

Mr. WILLIAMS rose and observed, that he did not imagine the resolution would have been called up so soon. It had been put on their desk but a few days, and he had been employed on committees every evening and morning since—however he would make a few observations on the subject.

The resolution under consideration, said Mr. Williams, was a call on the debtor states for the payment of certain sums of money said to be due to the United States. The state which he had the honor to represent was one of this class. Did he believe it to be a debtor state, the last thing he would ask for would be a relinquishment of that debt ; but being fully persuaded, that had a just and equitable settlement been made, or that the nature of the case would have admitted of it, at the time it was made, the state of New-York would have been a creditor state ; and he trusted that he could clearly demonstrate, from arguments drawn from facts, that neither the mode adopted by which the commissioners were to determine on the claims produced by the respective states, or the rule of apportionment, which they were directed to pursue, could in any manner operate to do that justice which the nature of the case required.

With respect to the mode adopted, it is enacted in the third section of the act “ entitled an act to provide more effectually

for the settlement of all accounts between the United States and the individual states." "That the commissioners are to determine on all such claims as shall have accrued for the general or particular defence during the war, and on the evidence thereof, according to the principles of general equity (although such claims may not be sanctioned by the resolves of Congress or supported by regular vouchers) shall determine thereon." Had the words within the parentheses been omitted, he asked, would the Penobscot expedition or the frigate built in South Carolina, or a number of such like charges authorised by Congress, been admitted in the settlement? But, by its being allowed, the states of Massachusetts and South Carolina are made creditor states. The creditor states have had their credits funded according to the act, but not satisfied they are now calling upon the debtor states to make payment—a payment which never could have been contemplated especially in the manner now called for.

In the 7th section of the before recited act the creditor states should have their balances funded. This hath been done, but nothing is mentioned in that act, or any other, to authorise the call on the debtor states in the manner proposed. It is probable, said Mr. Williams, if it had been contemplated at that time the act would not have passed.

With respect to the rule of apportionment which the commissioners were directed by law to pursue; Mr. Williams contended that it was impossible, that any thing like public justice would be done, particularly in the state of New-York; besides, said he, it was a departure from the rule laid down and established when the articles of confederation were agreed to, the 8th article of which is, "That all charges of war, and all other expenses that shall be incurred for the common defence and general welfare, and allowed by the United States in Congress assembled, should be defrayed out of the common treasury, which should be supplied by the several states, in proportion to the value of lands within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon should be estimated, according to such mode as the United States in Congress assembled, shall from time to time direct and appoint.—The taxes for paying that proportion should be laid and levied by the authority and direction of the legislature of the several states, within the time agreed upon by the United States in Congress assembled." And, therefore, said Mr. W. the act pointing out a different mode was a retrospective

act, operating to the disadvantage of some of the states to the advantage of others ; had this act been passed immediately at the close of the war, instead of being omitted until six years after the war, it would have operated equally ; but no rule of apportionment could then be adopted, without a manifest injury to some states, to whom thousands had emigrated from others. This was the case in the state of New-York. One-third of the number of inhabitants in that state, when the enumeration was made, had moved into it after the close of the war, from the New England states and the state of New-Jersey ; so that the numbers in those states were diminished, while that of New-York was augmented. The mode of apportionment must, in consequence, operate unequally. Even since the settlement had taken place, some thousands of families had come into the state of New-York, from creditor states ; and how could a determination be made ? Or would it be just to compel those who had emigrated from creditor states into debtor states, to pay the proportion of the money said to be due from debtor states, whereas, by the settlement, had they remained in the creditor states, they would have been entitled to a proportion of the money due to them. Or, said he, is this resolution calculated to prevent emigration from one state to another ?

Mr. Williams observed, that attempts had been made to have the privilege of examining the principles of the settlement by the commissioners, and the charges exhibited and allowed from the respective states, but it had been refused. If, said he, the creditor states were conscious of the settlement being proper, why this refusal ? But, until this was done, could it be expected that the debtor states would submit to a settlement which they had every reason to believe was founded on erroneous charges exhibited to the commissioners ?

With respect to New-York, their advances had been such that the first calculators in the Union, who had been engaged in public business during the war, said that the state of New-York must, on an equitable settlement, be a creditor state to the amount of two millions of dollars. Mr. W. said, he had been, from the commencement of the revolution to the close of the war, either in the legislative or military capacity, excepting about one year, and he was confident that no more could be done than was done by the state of New-York, and a state having done all they could do, it was not possible it could be a debtor state. And, said he, shall that

state now suffer because it had exhibited fair and honourable accounts, such as the commissioners observed, were like merchant's accounts, and would stand the scruples of law, omitting many accounts which could not be exhibited in proper form, as the nature of the case would not admit of it unless by mere calculation? Adding to this, the difficulties that state had to encounter, which ought also to be taken in view on a final settlement.

At the commencement of the war, said Mr. W. unfortunately for the state of New-York, the one half of its inhabitants were disaffected to the then measures, and a number actually took arms against those who were friendly to the revolution, the suppression of whom, with a constant watch over them, were never brought into the general account. In the beginning of the year 1776, the enemy took New-York, and with it nearly one half of the valuable part of that state. In the year following, Burgoyne's army penetrated its frontiers, and laid waste the greater part of the country north and west of Albany. By the memorable battle of Oriskany, upwards of three hundred widows and children were left to be supported by that state, as well as some hundreds at the north part of the state. These, together with the poor from the city of New-York, were supported during the war, and no charge made thereof. The endeavours of the enemy to form a junction of their armies near the Hudson river, was the cause of that state being so overrun that not one county escaped their ravages. Add to this one-third of New-York, the fine town of Esopus, and several hundred of houses in the frontiers were burnt and immense property destroyed. For calamities so great, very few thought of obtaining vouchers, and for the destruction of armies no allowance would be made, which occasioned numbers to be reduced from affluence to want.

Large sums of money, said Mr. W. had been paid by the state of New-York, since the time limited to be exhibited for a settlement with the United States. The just debts exhibited by the calamities and the reasonableness of the excuse for their not having presented them sooner, operated with them so forcibly that they could not be withstood. Many accounts exhibited and not paid will amount to upwards of one million of dollars, and probably as reasonable as some of these allowed to the other states by the commissioners.

But, it will be said, had not other states suffered? Mr. W. said he would ask, what state? Was it any of the New-

England states? Where, said he, had they their capitals kept from them during the war? Where had they their frontiers overrun and destroyed? Where had they their country laid waste and destroyed? Was it not a fact, said he, that during the war the inhabitants of New-York had to procure their salt from the New-England states, New-Jersey, and Pennsylvania, which cost them, on an average, ten bushels of wheat for one of salt, and every other article in proportion. Add to this, they had from time to time taken from them all their grain, excepting what was scarcely sufficient to support their families, by acts of impress, and at a certain limited price, which was delivered for the use of the army, and at a time when other states furnished supplies of the like kind, and were allowed more than double the price. I have known, said he, working oxen taken by the point of the bayonet from the farmer, and to this day not paid for;—and, will gentlemen say New-York is a debtor state? He hoped not.

Mr. Williams hoped, when the sufferings of the citizens of the state of New-York were only considered; when the vast destruction of their capital, and of their frontiers was taken into consideration, together with their situation during the war, he was persuaded that no more would be said respecting that state being a debtor state, and that such an odious stigma would be done away.

Did not, said he, the commander in chief observe in the most trying times, viz. in the year 1781, that if it were not for the exertions of the state of New-York, and the supplies by them at that time furnished, he must have disbanded the army? Did not one of the commissioners, who settled the accounts, declare in this house (being a member at that time) that the debts of the debtor states ought to be done away? Was this not tacitly acknowledging that the accounts exhibited to them varied so much, that it was impossible for them, agreeably to the mode prescribed, to do equal justice? Add to this the charge made by some states for bounties, when that of New-York could not exhibit the relative amount of a part of theirs, and others no bounty, when at the same time the classes as directed by law, raised the men by paying large sums for each unknown to the state.

Mr. Williams concluded by saying, that since the war, the state of New-York had always paid their specie requisitions, which, together with the like paid by Pennsylvania, was

the chief support of Congress, until the constitution or present system of government took place, while some of the creditor states paid nothing ; that, as the state of New-York had done as much as their situation would permit them ; had paid large sums of money since the war, which was borrowed to support, pay, and clothe their quota of troops ; and many other matters of the kind, he hoped that the resolution would be negatived, and no more said on the subject.

Mr. NICHOLAS thought there was inquiry which was necessary to precede the present question. Some of the states which were brought in debtors by the commissioners, might hold debts of the United States, and it would appear somewhat odd that they should be called upon for money, when, perhaps they were really creditors. In such cases all that could be expected would be, that a balance should be struck. He therefore proposed a resolution, directing the committee of commerce and manufactures to inquire whether any of the states brought in debtor states by the commissioners, were holders of debts of the United States. If they were, he said, the United States had the means of payment in their own hands. He should move that the committee might rise, in order to bring forward this proposition.

Mr. W. SMITH said, he could not agree to the proposition of the gentleman from Virginia (Mr. Nicholas) nor was it necessary to say what measures would eventually be proper, in case of a refusal of payment, as that was not now the question.

The subject before them, he said, was a very delicate subject, and ought to be treated with every degree of candour. He was glad that the gentleman from New-York, had spoke upon the subject with a degree of temper and candour, which did him credit. The discussion was an unpleasant one, and could scarcely fail to excite a degree of irritation in the house, which, however, it would be desirable to avoid as much as possible. For many years, Mr. S. said, this subject had been under consideration, and it was much to be desired, that it could now be brought to a close. He knew no better mode of doing this than the one proposed, viz. that the debtor states should be informed of the sums with which they stood charged, and that payment should be requested in such a way as should prove most agreeable to them.

Mr. S. said, he should not follow the gentleman from New-York (Mr. Williams) through the whole of his observations, because he did not think them relative to the subject

before them. Some of them might have been properly enough suggested when the subject of balancing the accounts was before the house; he believed, indeed, they were brought forward at that time. He would mention some facts relative to the business, with which perhaps some gentlemen might not be acquainted. In the year 1790, it seemed to be the general wish that an adjustment of debts and credits betwixt the general government and individual states, with respect to the late war, should take place; that balances should be struck, and those states which were brought in debtors should pay, and those who were found to be creditors should receive what was reported to be just; and, in order to facilitate the business, a great deal of compromise took place, so that it was at length agreed upon with a good deal of unanimity. In order to give the states an opportunity of bringing forward all their claims, the commissioners were invested with chancery powers. After the business had gone through the committee of the whole, there was only one question which occasioned any discussion, and upon this the yeas and nays were taken; this was the ratio by which the states should be charged. On a motion to strike out this ratio, it was lost 45 to 10; and what was remarkable, one half of the representatives from the state of New-York voted for the existing mode, and the other half for striking it out. [Mr. S. here read an extract from the journals.] It did not at that time strike the members from that state, that the ratio adopted would injure them. Whether subsequent events had made it unfavourable to them, or not, was not now the question, but whether those states which had been reported debtors should be called upon to pay what was due from them.

Mr. S. said, this business might be compared to an arbitration betwixt individuals, where full powers were given to the arbitrators; for after all that could be said about the exertions of individual states, was brought forward, it was agreed to put the matter into the hands of three commissioners to make an award. These commissioners were bound, on oath, to do their duty faithfully. The award was made and accepted by Congress. Whatever objections were held against it, should have been made at that time before the award had been carried into effect. Any complaints now brought against the principles and mode of settlement, were overruled by that award, as all parties were bound to abide by the arbitration: they could not now come forward and say the principle was bad, and therefore object to pay.

The only question now was, which was the best way of completing the business? He thought the mode proposed was the best. It appeared, by the report of the committee, that the following were the debtor states, viz. New-York, Pennsylvania, Delaware, Maryland, Virginia and North Carolina. The whole debt was 3,517,584 dollars, of which 2,740,000 was owing by New-York. The interest of the debt, at 4 per cent, is, 844,211 dollars, which being added, made the whole 4,361,802 dollars.

In our present embarrassed situation, said Mr. Smith, this money would be very acceptable. In order to meet the demands of the public creditors, it was well known that recourse must necessarily be had to additional revenue. It would, therefore, be very desirable if these debts could be collected, as it would serve to lessen that sum which must otherwise be collected from the people. Or this money, he said, might be usefully employed in providing for the defence of the country, either by means of a navy, increase of arsenals, or otherwise. Indeed, there were many beneficial objects to which the money might be applied; and he doubted not, when the debtor states knew the situation of the United States, those who were able to pay, at least, would come forward like patriots and cheerfully pay the sums due from them, in such a way as should be most agreeable to themselves.

Mr. S. said, he should suppose that even the debtor states themselves would wish to have these accounts settled, as it must be unpleasant to them, when claims were made from them upon the United States, to be told, they were in debt to the Union. He remembered an instance in the last session, where this was the case with respect to New-York.

The people of New-York then applied to Congress to put their fortifications into a respectable state of defence, they were then told in this house that they owed money to the United States. This is a very unpleasant reflection. The settlement now desired would do away such disagreeable insinuations in future, and such reflections should stimulate them to take measures to forward the payment of that money. As to the state of New-York, he should be the last person who would say any thing that would be disagreeable to that state, as it was a state of consequence in the Union, and entitled to every degree of respect; but gentlemen must know that the finances of that state were in the most flourishing condition—that they had abundance of wealth, [Mr. S. here enumerated an account of their riches.] When, he said, they con-

templated the situation of other states, with debts upon their shoulders, to pay the interest of which, and for the support of their civil establishment, they were obliged to tax their citizens, he did not think New-York would suffer much by paying the debt in question. The state of S. Carolina, he said, was at present considerably in debt, both domestic and foreign, for the payment of the interest of which and their civil list, they were obliged to have recourse to direct taxation on their land, whilst the state of New-York had no taxes at all, though he understood the legislature had recommended a tax to be laid, in order to accustom the people to the payment of a tax.

The only question, Mr. S. said, was whether any material injury could arise from the application proposed to be made to the debtor states for payment. If they had any well founded objections to the payment of the respective balances, they would of course make them; if not, they would doubtless propose some mode of payment. But, Mr. S. said, if it was the opinion of the house, that these debts ought at once to be cancelled, let it be done. Something ought to be concluded upon, in order to put an end to so unpleasant a business.

Mr. HARPER said, it was very easy to see, by the turn of the present debate, that no very amicable or fortunate issue would result from the demand they were about to make upon New-York. He did not believe that state would be prevailed with to pay the demand in question, and he did not know of any means of coercing them to pay. He was always opposed to threats, when he was not able to strike, or to making a demand which he could not enforce. He had no doubt that the settlement was just and proper, and that this state was really indebted in the sum specified; but if they disputed the debt and the mode of settlement, they could not force them to pay it. From these considerations, it was his opinion they ought not to make the demand at present. He would not cancel the debt, as, at some future period, they might go into negotiation on the subject. He wished to get rid of the business without a decision. He should therefore move that the committee rise, and he would afterwards move that it be discharged from a further consideration of the subject.

Mr. COIT hoped the committee would not rise. The gentleman from S. Carolina seemed to think that a period might arrive when it would be proper to negotiate on the subject, but not at present. If the gentleman had stated any reason

why he thought any future period would be more proper than the present for a settlement of the business, perhaps he might have concurred with him in opinion ; but not having stated any, he was opposed to having the business postponed. The proposition, Mr. C. said, went no further than to ask the several debtor states, whether they would pay ; and, until this question was put, they did not know but they were ready and willing to pay. He did not think this was the time to consider what measures should be taken provided the states did not pay. It ought not to be supposed they would refuse to do what was just. A number of the debtor states indeed might be considered as creditor states, since the money they owed, did not amount to so much as their share of the whole debt would be, provided it was not paid [Mr. C. here compared the specific amount of the debts of different states with their share of the debt, to shew that it would be their interest that the balances should be paid.] The gentleman from New-York (Mr. Williams) as was common with persons over zealous, had leaped before he came to the stile. The question was not now how the balances should be settled ; that settlement had been made, and the payment of them was now the question. He hoped the committee would not rise.

Mr. WILLIAMS said he did not expect to have heard the observations which had fallen from the gentleman last up ; for his part, he was persuaded the representatives of the debtor states could make calculations for themselves ; but he hoped calculations with them was not the object ; the justice and equity of the measure would, he trusted, be their guide. Mr. W. wished the gentleman from Connecticut to inquire whether some states had not paid their specie requisitions at about one-third of their value, whilst New-York furnished them at the full value.

In answer to the gentleman from South Carolina, Mr. W. observed, that he was sensible aid was wanting to the revenue ; but he hoped that because New-York had funds, they were not to be taken from them right or wrong. The gentleman was however mistaken in saying there were no taxes in that state. If he would examine the laws of New-York, he would find the county and town expenses were raised by tax, and 45,000 dollars annually besides. Mr. W. said, he had flattered himself that the gentleman from Carolina would not have brought forward this subject, as that state had been paid for the frigate built there unauthorised by Congress,

which had been of no use to the United States, and the allowing that charge made them a creditor state. With respect to the funds of New-York, he hoped they would remain with them as the fruit of industry and frugality. The gentleman had observed that one half of the delegation from New-York had voted for the rule of apportionment, that the commissioners acted as arbitrators, and that the award was accepted. Mr. W. was of opinion the act and proceeding had thereon, was unauthorised by the constitution of the U. States, as it was a departure from the original contract, and that the state of New-York had never accepted of the award, and was not bound thereby; and notwithstanding the gentleman asserted that the state ought not to come forward now and say we will not abide by the settlement, M. W. believed many awards had been set aside, and that this ought to be entirely done away.

Mr. CRAIK said, he should not have risen on the occasion, but from an observation which had fallen from the gentleman from Connecticut; he should also be for the committee rising, and for the same reason as the gentleman from South Carolina (Mr. Harper) and not wish them to sit again on the subject; as this is the wrong time to stir up an alarm in the country, which he feared debating on this subject would have a tendency to do. He professed to be well acquainted with the disposition of the people of Maryland, and he knew it would create many disagreeable sensations. Nothing could possibly be gained by the measure, and it certainly would tend to expose our own weakness and inability to carry the demand into effect. They could not at this time promise themselves any good from opening this subject, but much alarm and disaffection may be fostered. He therefore hoped nothing more would be said on the subject.

Mr. DEARBORN said, he had no great objection to the committee's rising; but a very strong objection to its being refused leave to sit again. The subject before them, he said, required full investigation. He did not doubt but the state of New-York and other states would act like individuals in similar situations, viz. honestly and fairly. What had been said about the mode of settlement had nothing to do with the present question. The referees had settled the business according to mutual agreement; they had heard the parties, made the award, and execution was about to be issued. But at this time, one of the parties came forward and objected to the mode of settlement. What, he asked, would be thought of

an individual who should so act? He believed but very indifferently. Taking it for granted that the state of N. York would act like an upright individual in the same circumstances, he had great hopes from the proposed application. Nor could he ever consent to tax his constituents until some mode was taken to collect these debts, as he thought them just. Indeed he conceived it to be a reflection on the debtor states to doubt on this subject; and to suppose the application would occasion uneasiness and discontent, was to impute an unworthy conduct to those states. He believed they would act as they ought, and if the money was not immediately paid, some compromise would take place. But, he said, it was not reasonable to suppose, that the people of Massachusetts, whilst 1,200,000 were due to them on this settlement, would consent to be taxed to pay their share of the debt, whilst other states were debtors, and were not called upon to pay the money which they had received out of the treasury. If the committee rose, therefore, he hoped it would have leave to sit again.

Mr. GILBERT was not disposed to vote for the committee's rising at present and to be refused leave to sit again: he was surprized to hear gentlemen object to the principle being examined upon which the balances were settled. He thought no man could conscientiously say the settlement was a fair one: not a man on this floor would like to abide by such a result. When we see New-York 2 or 3 millions of dollars in debt—more than all the other states put together, can it be supposed they will pay it? The report of the commissioners say it is a just and *bona fide* debt: and gentlemen now say it is not how the settlement was made, it must be paid. What! said Mr. G. was there never a judgment reversed! was there never an arbitration set aside? Certainly there had. What evidence have we that there was not an egregiously mistaken principle in the parties who settled the accounts? Where is the subscription of the parties to the award. He hoped the committee would rise, as it is too late to go into a view of the subject with the adequate degree of examination due to it; and that it would again be brought up for farther discussion.

Mr. LIVINGSTON hoped the committee would rise and have leave to sit again. He was glad the subject was spoken of as being of a delicate nature, and hoped this idea would still be observed. In this view of the subject it ought to have a full and dispassionate discussion. He said he had much to

say on the subject—more than the lateness of the hour would admit. He would throw out an idea or two for gentlemen's consideration, that they may prepare an answer, and which may serve for discussion to-morrow. He would observe that he objected to the nature of the law, and the mode of its execution. The government of the United States had no right to impose any demand upon the state of New-York, except it had given its full consent to the settlement of the commissioners. The representatives from that state have no power given them to agree to that arbitration, nor can they without the approbation of their constituents. The legislature have the sole power to allow it. He did not know of any authority the representatives had to bind their state to pay debts.

His next ground would be, that if the business was considered as an arbitration, the right, in cases of controversy, to set aside the award; were they to be told that it was the interest of some of the debtor states that these balances should be paid, and with the same breath gentlemen say, it is no matter whether the settlement was made fairly or not. He did not expect to have heard such sentiments expressed. He would ask gentlemen, was the award given between individuals in all cases final? Were not the aggrieved party permitted to come into every court of justice under the sun to make an appeal? Yet they should be told in that house, that the state of New-York was bound to pay, whether the accounts were fairly settled or not. One gentleman had taken much pains to endeavour to prove it would be to the advantage of all the debtor states, except New-York, that the debts should be paid, and another gentleman had detailed those advantages. No doubt it would be of much advantage if fifteen states were to throw all their debts upon the other one: but would there be any justice, or credit, attending such conduct? The answer was natural. He did not wish to throw any reflections on the gentlemen who executed the trust of commissioners to this settlement: they might have done the best they could, but certain it was that improper charges, to an immense amount, such as would not have been suffered in any court of justice, were brought in by the creditor states, which had turned the balance in their favour, and made them creditor instead of debtor states. He therefore hoped that as these matters required further discussion, the committee would rise and have leave to sit again.

Mr. DAYTON (the Speaker) said, that he should have listened in silence to the gentlemen from New-York, if they had contented themselves with declaring that they were unwilling to pay to the United States the debt which upon a settlement of the accounts of the states had been awarded to be due from them. He should likewise, he said, have observed the same line of conduct, if those gentlemen had gone no further than to tell the house and the world that they were rich, and to boast that they were more prosperous than their neighbours, but when this their vaunting was accompanied with a manner, and expressed in a style calculated to cast a reproach upon all other states whose situation was not equally prosperous, he owned, that for his own part he could not passively permit the imputation to pass unnoticed. That the state which those gentlemen so happily represented was wealthier, far wealthier than his own, he meant not to contest or deny ; but he would never admit, that it was ascribable, as had been said, to their superior industry. The treasury of New-Jersey was not, Mr. D. said, an overflowing one—their citizens were annually taxed to support their government and to pay the interest and part of the principal of their debts. If they were comparatively poor, they were proportionably honest. They had never tarnished their reputation of good faith by refusing to acknowledge their just debts, nor avowed an unwillingness to discharge them as fast as their resources should enable them—they had never hastened to enrich the treasury of the state by withholding from its creditors their just demands, nor sacrificed to the false pride of wealth the interests and claims of those who had trusted to their ability and confided in their justice.

Had the state, Mr. Dayton said, which he had the honor to represent, done otherwise, they too might probably have boasted of their ill-gotten wealth, more especially if to such an act they had added another not more meritorious, that of appropriating to their own exclusive use a mass of valuable property, the back or Crown lands, seized in the course of the late war from the common enemy, at the common expense, and with the joint forces of the Union.

Mr. Dayton said, he wished the committee of the whole to rise, but not for the purpose of discharging them from the further consideration of the subject. He hoped they would have leave to sit again and decide upon the resolutions that had been offered to them ; for he seriously believed, that if

ever they were to call upon the debtor states to pay what they owed to the Union, this was the proper season for doing it. Every week's delay, whilst it seemed to give new strength to the unwillingness of those states to discharge their balances, weakened the ability of the general government to enforce them. If ever it was in the power of the United States to obtain those debts, it was now : Mr. D. therefore hoped that measures would now be taken to enforce a payment of them.

Mr. GILBERT thought the gentleman last up had rather mis-stated. He did not recollect that any imputation had been cast on New-Jersey. He had not boasted on the opulence of New-York, nor charged other states with being poor : gentlemen, he said, took it for granted that the debt, charged to the state of New-York, was a *bona fide* debt ; they think it is bound in duty and conscience to pay what is settled upon it, but he thought this wrong. If gentlemen look to the war, no state had done more, or suffered more than New-York, and none could stand higher on the scheme of merit. It was said, that some states had not the same advantages as others. But why should that gentleman look at that particular circumstance. Had not other states confiscated land, and got the pre-emption right of land, as well as New-York ? Had not Massachusetts shared a full part of all of the right which New-York claimed, and obtained from the Indians ? And had not New-Jersey done the same ? He thought such allusions foreign to the subject. Whether the debt was just or not, would require more time than the present lateness of the hour would allow to prove.

Mr. HOLLAND hoped, when this business came forward to be investigated, it would have been conducted with temper and decorum : particularly from the moderation with which the two gentlemen (Mr. Williams and Mr. Smith) began it ; but the gentleman from Jersey (Mr. Dayton) remarkable for his attention to order, had implicated all the states, reported to be debtor states, hoping that measures would be taken now, to enforce payment ; he hoped there was justice among those states, and that they would come forward and pay what was due. If they were certain the debt was just, Mr. H. said, they would without doubt come forward and pay, however he knew North-Carolina would : but when it was generally believed that improper and fraudulent charges had been admitted by the commissioners, was it not to be expected that there would be a desire in them to have a review

of the settlement? He was confident whenever the debtor states should be convinced that the demands were just, they would open their funds and pay them, but not before.

Mr. DAYTON (the speaker) rose to give a short answer to the members from North-Carolina and New-York, who had commented upon his observations. The former gentleman had insinuated that those who advocated the motion had done it with intemperance bordering on indecorum, but Mr. Dayton was happy to find that no expression of his had been pointed out, which might be construed into a violation of the strictest rules of decorum and good order, unless indeed for him to say that certain states were debtors of the United States and that they ought to be required to pay what they owed, could be liable to that construction. The member from New-York had affected to misunderstand him when he spoke of their having withheld from the other states and appropriated to their own use that immense mass of property which had been acquired in the course of the war with Great Britain and their allies, from the savages, at the common expense, and by the common exertions of the forces of the United States. He supposed that every member who heard him must have known that he did not allude to petty confiscations, but to those vast tracts of land called vacant or crown lands, in the conquest of which every regiment belonging to New-Jersey as well as to other states were employed. New-York had been willing that the Union should participate with them in the expense and danger of the conquest, but, after it was effected, they had refused any share of the benefits, and thus by means of this and other spoils had acquired an overflowing treasury.

Mr. GILBERT said, it would seem by the observations of the gentleman from New-Jersey, that the conduct of the state of New-York was singular with respect to their having sold their vacant lands. He would ask if there was a state in the Union which had vacant land, which had not done the same thing? Had any such state shared its land with the Union? Certainly not, and he could see no propriety in the charge against New-York.

Mr. W. SMITH wished to observe, in reference to what had fallen from the gentleman from New-York (Mr. Livingston) respecting that state not being bound by the decision of commissioners, because the state had not consented to the settlement. He would remark, that besides the co-operation of the representatives of that state, they appointed an agent

to bring forward their claims, which certainly shewed their acquiescence to the proceeding. Mr. S. said he was surpris'd to hear gentlemen dwell so much upon the injustice of the proceedings of the commissioners, and upon the improper claims admitted, since he did not know how they could have come at their knowledge on the subject, since those proceedings had never been made public. With respect to the unfortunate frigate which had been alluded to by the gentleman from N. York, he could say that the state of South-Carolina was then paying for that frigate, and that it was not charged to the U. States as had been insinuated.

The committee rose; and on leave being asked to sit again,

Mr. HARPER hoped leave would not be given to sit again. He could not possibly contemplate a time when it would be expedient to renew this demand; at the same time he would declare himself oppos'd to any thing like a relinquishment of these claims. However, he would not again go over his reasons for the committee's being discharged from the further consideration of this business.

Mr. BALDWIN relied upon it, that leave would be given for the committee to sit again. It would be in fact to pursue the idea which the gentleman himself had lately expressed. The resolution under consideration is commencing the negotiation with the states which he had recommended. Mr. B. expressed great confidence that nothing would be necessary but to commence this negotiation, and that the states would at least discover a satisfactory disposition. If it was true, as had been contended by some members, that the general board of commissioners had conducted the business badly, or that they were wicked or corrupted, or if it should be thought by the states that they had proved themselves unequal to the work, as some seem'd to suppose, which would set aside their award, the sooner it is known the better, that measures may be taken to form a new board and begin the matter anew. He persuad'd himself when they communicated with the states, it would be found there was not one which would desire such a measure. When he recalled the recollection of the manner in which the whole war had been carried on without any rule of apportionment or any settlement of accounts between the states, and the ill-humour which had grown out of it, constantly aggravated by the yearly calls on the states for monies to support the old union, he was sure that no person who was a witness to the transactions of those

times would have a wish to see them repeated. The amount was so great, and the whole so perplexed, as well as irritating, that the friends to the peace and union of the country have perhaps never experienced so critical and anxious a period. The Delegates used to bring forward their own state's claims, warmed by local zeal and private interest, and the councils of the union were for years agitated by the violence and passions of parties settling their own old disputed accounts. Experience seemed to have convinced every body, that no settlement could ever be made in that way, that some persons must be clothed with the character of judges, and the whole put over into their hands.

In October 1786 the ordinance for this purpose first passed. He believed it would be found by the journal that it passed unanimously. He had never himself been witness to any public measure which seemed to take off such a pressure from the mind of every one, or which was received with such enthusiasm. The measure was so popular and satisfactory, that it was thought expedient the next year to extend the provisions, and give larger powers of chancery to the general board. The final ordinance on this subject was then passed. He believed it would be found in the journal about May 6th 1787, and that this was also unanimous. After the formation of the government, under the present constitution, the same disposition continued, and the act just read by the gentleman from South-Carolina (Mr. Smith) was passed. If he mistook not, this was also without opposition.

These things, said he, are not unknown in the several states; the men who were concerned in these times and events are not all dead. He believed, when they should communicate with the different state legislatures, these men would not be backward to shew themselves, and to shew that they were still of the same mind, and faithful to their engagements. Though some individuals in this house appear to be quite fresh on the subject, as if they had made new discoveries, and seem disposed to begin anew, and say all they know about South-Carolina frigate, Penobscot expedition, sea-coast guards, military bounties, rule of quotaing, &c. &c. which had been for months and almost for years the subjects of general scramble, he had no apprehension that there would be found in the states any disposition to revive those disgraceful scenes. However, if the states choose to go over the business again, the sooner it is known the better. This can only be done by writing to them as the present resolution proposes. If they mean

to abide by the present settlement, and yet state inconveniences in complying with it, they who had served most with him knew, he had not often been an advocate for intemperance in public measures. He should not forbear to mention that there was one part of the subject which gave to him the most unpleasant sensations, and that was, where a state had, in a manner which he thought was not to be justified, obtained an advantage from our treasury of certificates to the amount of one million two hundred thousand dollars, in the assumption, before the settlement of the accounts, upon a false presumption that we were indebted to them, when at the time they were indebted to us a million of dollars. He should never believe, till he had seen the attempt made, that they could be reluctant in returning to our treasury the million two hundred thousand dollars, in certificates, which had in fact been advanced to them by mistake, or that they could expect in such circumstances the other states to submit to a direct tax to raise money to pay them a quarterly interest on those certificates.

Mr. LIVINGSTON could not permit it to go out to the world in the account of this day's debates, that he, or any of his colleagues, had made use of such expressions as charging the commissioners with being wicked or corrupt, or with being bribed. Such expressions had neither fallen from him or his colleagues. He had the highest respect for one of them who was since dead ; but still he believed men with the best intentions, might have admitted improper charges to an immense amount. Indeed it was impossible that three men in their closets in Philadelphia should be able to form a just estimate of the debts of the different states. However, if the committee have leave to sit again, and, if it were determined that the states should be called upon for the balances, he should bring forward a resolution to this effect, and shew the grounds upon which his suspicions were founded.

The committee had leave to sit again.

Adjourned at half past three o'clock.

Monday, January 2d, 1797.

Mr. SWANWICK gave in a petition for John Mare de Bord. This was a French gentleman, who had served during the late war in the American army. Being possessed of immense property in Hispaniola, he did not at the end of the war, ask for his pay. Being in the late insurrection in that island

burned out of his whole property, he came here, and applied for the money due to him, in a petition to the house of representatives. This was during last session. The committee of claims, on his producing a proper attestation of his service, were going to pay his demand. At least he understood that they were designed to do so ; for it is possible that he may have mistaken their intention. While matters were in this train, Mr. de Bord told the committee of claims that he had, at one time, received in part of his pay one hundred dollars from Major Haversham, then in the continental army, and now in Georgia. This partial payment, he meant as a matter of fair dealing, but *Mr. Tracy*, chairman of the committee saw the circumstance in an opposite light. He conceived that if part had been paid, it was likely that the whole might have been so. He, on that account, refused to let the petitioner get the money till an attested account should be got from Major Haversham. The petitioner has been at the expense and trouble of obtaining this account properly certified, and he now came forward in a second petition to Congress for the balance proved to be due to him.

Mr. PARKER made an objection to this petition on account of its being indecorously worded, in having made use of the name of the chairman of the late committee of claims (*Mr. Tracy*) instead of the committee, when speaking of the fate of his former petition. Mr. P. said it might appear to convey some reflection on the conduct of Mr. Tracy, which ought by all means to be avoided ; he hoped therefore, however just, it would be better worded before it was received.

Mr. Swanwick spoke highly of the merits of this petitioner, who, he said, from a pure patriotism and a love of liberty, had fought in the American cause during the late war, for which service he never intended to have made a charge ; but having afterwards gone to the West-Indies, and being one of the sufferers at St. Domingo, by which he was reduced to distress and beggary, he had made a claim upon the United States for his services. Mr. S. believed he was now kept by a farmer somewhere in the country, in consideration of his past services ; and, as to any informality of his petition he believed it arose from ignorance of the forms required, (being a Frenchman) and not from any intention to offend the legislature of a country, which he termed in the conclusion of his petition, the freest and happiest in the world.

Mr. Parker said, he should be extremely loth to withhold justice from any petitioner, but he hoped the gentleman

would withdraw the petition, and *only* for the reason he had before assigned.

Mr. W. LYMAN was very sorry the wording of it, from so trifling a deviation, should make the petition objectionable. He did not see it at all offensive, as there was good testimony, no harm or insult was meant, and it was owing intirely to the gentleman's ignorance of the rules.

Mr. MACON said, it had been determined against at a former session, and that, in addition to the other objection, he thought, ought to operate against receiving it. Although this proposed to produce an account current which had not been produced before, yet, he wondered that had not come before the committee last session, when the gentleman himself was before the committee. This petition was also barred by the statute of limitation, and therefore, it ought not to be received. There was scarce a case, Mr. M. said, but were continually coming before the house time after time, although reported against as barred by that act. It was impossible to get through business, if this practice was allowed. He said the claims of their own citizens were rejected from that reason, and except some new evidence can be produced, it ought to operate against their admission.

Mr. SWANWICK said, the case ought not to be prejudged, but some feeling ought to be exercised towards a man who had hazarded his life in our service, and is now under such reduced circumstances.

Mr. THATCHER said, it appeared to him, that this trifling objection, of its not being exactly worded according to the will of the house, especially when the circumstances of the gentleman are considered, should not obtain to prevent its being heard. It appeared to him the objections which had been raised bore a disrespectful appearance. But it did not seem there was any such intent in the petitioner. He was of the opinion of the gentleman from Pennsylvania that neither that nor its having been before the committee of claims should prevent its being received. It appears there are new proofs to offer which he did not, nor could offer before. He wished the gentleman would withdraw his opposition.

The question was then put "Shall it be referred to the committee of claims." Twenty members only rising in the affirmative it was not carried.

Mr. SWANWICK said he had another petition to present, which was of rather an unpleasant nature, as it complained

of the conduct of a public officer. It was from William Pinchin, measurer of coal and salt, complaining that he had only received 164l. 19s. 7d. from Mr. Delaney, the collector, instead of 347l. 14s. 8d. and praying Congress to take such steps in his favour as should give him the balance. It was referred to the committee of commerce and manufactures.

Mr. Swanwick also presented the petition of Philip Stimmel, of this city, snuff manufacturer, praying for a remission of duties on snuff lost by the destruction of his mill on Ridly creek, by a fresh in August 1795. Referred to the secretary of the treasury.

Mr. LIVINGSTON presented two petitions ; the one from John Hughes, of New-York, auctioneer, praying for the remission of duties on 73 tierces of Salmon destroyed by the late fire ; and the other from William Ustick, of the same place, merchant, for the remission of duties on 73 hogheads and 91 cases claret, destroyed by the same unhappy event. They were referred to the committee of commerce and manufactures.

On motion of Mr. Venable, it was resolved that all business referred to the committee of Elections, in the last session, and not determined upon, should be referred to the present committee. Agreed.

Mr. D. FOSTER, from the committee of claims, made reports on the petitions of Francis Mentges, William Story, Sarah Thompson and Michael Levadoux, which were all of them unfavourable to the petitioners. The reports were twice read and concurred in by the house.

Mr. PARKER called up the resolution which some days ago was laid on the table relative to a call upon the President for information with respect to the treaty with the Dey and Regency of Algiers. Mr. Parker said, he found in the President's address at the opening of the session, this paragraph, " After many delays and disappointments, arising out of the European war, the final arrangements for the fulfilling of the engagements made to the Dey and Regency of Algiers, will in all present appearance, be crowned with success ; but under great, though inevitable disadvantages in the pecuniary transactions, occasioned by that war, which will render a further provision necessary." Under these circumstances, it was not only proper to know what farther legislative measures were necessary ; but also to learn what steps had been taken for carrying into effect the treaty with the Dey and Regency of Algiers. It was last year, he said, ratified by the Presi-

dent and Senate, and that house had passed the necessary appropriations, and he was sorry that any delay had taken place in carrying it into effect, as he understood, some of the prisoners had died between the period of ratification and that of the releasement of the citizens held in slavery. Some difficulties had arisen, it seemed, with which they were not acquainted, and therefore he had brought forward the present resolution, not doubting that the President would readily give the information required.

Mr. SITGREAVES suggested whether it would not be proper to wait until they received from the President the communications which they had reason to expect from his speech. It was certain they should receive information from the proper department in due time. The President had said, that farther appropriations would be necessary, and of course, information would be given them on the subject. When this information should be communicated, if it should not be so complete as to satisfy the curiosity of the mover of this resolution, he might lay a resolution upon the table, calling for farther particulars. But, in the mean time, he thought it most proper to receive the communication which they every day expected. He had no objection to the resolution in itself; he only thought it would be more respectful to the President to wait a few days for the information desired, than to ask for it.

Mr. PARKER wished not to fail in respect to the chief magistrate; but as large sums of money had been appropriated to carry the treaty into effect, and yet, for some cause or other with which they were not acquainted, the business had not been completed; it became important to have some information on the subject. There was great anxiety, he said, in the minds of merchants trading to the Mediterranean, to know the state of this affair. He thought, therefore, they ought to obtain it as soon as possible. It was from respect to the President that he had not called up the resolution before that time. If the inquiry was longer delayed, he thought the house would be wanting in duty to their constituents. After the resolution was passed, he should not be for pressing the subject more than other gentlemen.

Mr. CRAIK said, he did not know that there was such a resolution on the table till then; but even from the mover's own confession, he did not see any use in the measure, as he had said he did not mean to press the matter after the resolution should have passed. The President had told them at

the opening of the session that more money would be wanted, owing to some embarrassment having taken place ; it was therefore to be expected that he would give them every necessary information on the subject ; but if they entered into the present resolution, it would be tacitly charging the President with neglect. The subject, Mr. Craik said, was not particularly pressing, and, as they had much other business on hand, and as he doubted not, they should have the information in due time, he should be opposed to the resolution.

Mr. GALLATIN wished a clause in the law, passed March 20, 1794, on intercourse with foreign nations, to be read : he believed it was expressed in general terms. [It was read and proved to be so.] The President in his speech, when he alludes to this subject, said Mr. G. only says that “ final arrangements for fulfilling the engagements made to the Dey and Regency of Algiers,” &c. and concludes with “ measures are in operation for effecting treaties with the Regencies of Tunis and Tripoli.” And it was perfectly clear that if measures had not succeeded with the latter powers, there was a sufficient sum appropriated to carry into effect the treaty with Algiers ; because there was not only appropriated the money for carrying that treaty into effect, but also an additional sum of 200,000 dollars for both objects. He did not know, therefore, whether they should receive any information on this subject, except it was called for. Mr. G. said they had already received an estimate of the expenses for the year 1797, and although there were several items relative to foreign intercourse, there was not a single thing about an appropriation for the Algiers business. He thought, therefore, though sums might be wanted for effecting treaties with Tunis and Tripoli, the appropriation would be wanted next year, and not this, and therefore there would be money enough now for Algiers. The only question was, whether it was their duty to ask for the information contained in the resolution ; he believed it was, especially when they were told there had been great pecuniary losses, they certainly had a right to know what they were. The proposition, he said, did not ask for information how the treaty had been completed, but how the money had been disposed of. This was information they had a right to have, in order to form a judgment whether these losses might have been avoided or not ; and, as he believed they should not have the information except it was asked for, he should vote for the resolution.

Mr. GILBERT did not doubt but the house would get the information on this subject as soon as possible ; and he doubted whether it would come one moment the sooner for the resolution ; for the President had promised it in his speech : he therefore supposed it was now hastening as fast as it could ; and he did not know why the house should precipitate the President on the subject. He wished the house to wait a few days until in the ordinary course of time there was reason to expect it ; if it did not then come, he should vote for it, not but he thought it was that very moment preparing with all speed to be laid before the house ; but at present, he should vote against it.

Mr. LIVINGSTON said, gentlemen seemed to take it for granted, that the President meant to communicate to them information on the subject of the treaty with the Dey and Regency of Algiers. He did not find this in the President's address ; he found only a kind of excuse that the treaty had not been carried into effect. He did not say he would communicate what was the immediate occasion of the delay. It was the duty of the house, he said, in a twofold point of view, to call for this information ; first, that they might provide the necessary fund, and secondly, to know what had been the cause of the great delay. The appropriations for carrying the treaty into effect had been long since made, and unless circumstances unavoidable, and urgency very cogent, had taken place, he would not help thinking there must have been a fault in some department or other : from the usual promptness of the President, it was not to be presumed the delay was with him ; but he believed it might be presumed there was a delinquency somewhere. It was not enough for them to be told that the delay arose from unavoidable circumstances ; it was their duty to look into the business, and therefore he thought the present call a very proper one.

Mr. SWANWICK said, the gentleman from New-York (Mr. Gilbert) seemed to think they might wait a few days for the information wanted. Mr. S. said they had already waited for a month, and nothing was yet brought forward. Their session, he said, was limited, and it was important that the business to which the resolution before them related, should be speedily taken into consideration. It was very important as it respected commerce, which was never in a more critical situation than at present. It was high time, he said, to go into an inquiry on this subject, in order to know the train in which the business was placed, and to what the de-

lays had been owing. He believed they had been owing to the derangements of money transactions in Europe ; but of this they ought to be informed ; and, if there was any charge to be made against that house on the occasion, it was for having delayed the inquiry so long.

Mr. GILBERT said, the gentleman last up seemed to speak as if the house had nothing to do, and were waiting for business from the President. He said there were various objects of great importance to the United States, which called for their attention ; and as he had before said, a short time would probably bring the information without application ; and as they did not know that it was unnecessarily retarded, there was no use in passing the present resolution.

Mr. SITGREAVES said, gentlemen who supported this motion, spoke as if the right of the house had been disputed to make the inquiry. He had not heard this doubted. The only reason for opposing it was, that it was unnecessary, and less respectful than it would be to wait for the communication. The President had said, that a farther appropriation was necessary this session, and he thought this was a sufficient answer to his colleague (Mr. Gallatin,) and not next session, and therefore, he presumed, he would take care, at a convenient season, the necessary information was laid before them. He would not call upon them to make appropriations without shewing both the necessity and the quantity required.— He had already said there could be no question about their right of calling for the information in question ; but he would not be understood to presume with the gentleman from New-York (Mr. Livingston) that there was a delinquency somewhere ; if this were presumed, it would be directly in opposition to the assertion of the President, who had told them the circumstances of delay, &c. had been inevitable.— Upon what principle, therefore, gentlemen should conceive there had been a delinquency somewhere, he could not see. He was therefore opposed to the resolution.

The question was put and carried, } Ayes 44.
 } Noes 31.

Mr. Parker and Mr. Grove were appointed to wait on the President with the resolution.

Mr. SWANWICK moved, that the report of the committee of commerce and manufactures on the subject of kidnapping negroes and mulattoes, should be recommitted to that committee, with instructions to report by bill or otherwise.

On motion, the question was divided, "shall the report be recommitted to the committee of commerce and manufactures." Carried.

"And that they report by bill or otherwise."

Ayes 44. Carried.

Mr. MURRAY said he had laid a resolution upon the table on the subject somewhat connected with the one just disposed of, which he wished to call up. It was for the appointment of a committee to inquire into the propriety of amending the act respecting fugitives from justice, and persons escaping from the service of their masters.

The resolution was agreed to, and a committee was appointed of Messieurs Murray, Cooper and Kittera.

The order of the day was next called for on the report of the committee of ways and means, on the balances due from individual states to the United States. The house accordingly entered into a committee of the whole on the subject, Mr. Muhlenberg in the chair, when

Mr. COOPER said he had no expectation when this business was first brought forward, that he should have taken any part in the debate that might arise on the mode of dunning the state of New-York for a balance of about two millions of dollars said to be due the United States. Yet, when he heard a gentleman from Connecticut, (Mr. Coit) seem to pride himself that a settlement had been made and our state found in debt, and treating our complaints of errors in that settlement as laughable or childish : when he heard a gentleman from New-Yersey (Mr. Dayton) declare, in a serious tone of voice, that no consideration would ever induce him to relinquish that claim ; although errors may have existed, although frauds may have been introduced, although we may have many large and just demands not brought forward at the time of settlement ; notwithstanding all this, it seems the gentleman's ears are shut to our complaints : when he heard a gentleman from Virginia (Mr. Nicholas) bring forward a resolution to sequester, or in milder words, withhold the stock which the state of New-York has in the funds of the United States : when he heard a gentleman from Georgia (Mr. Baldwin) who had been on the floor of Congress almost from the beginning ; when he had heard that gentleman, with all his experience in the money concerns of the nation, declare, that the United States was always considered indebted to the state of New-York until the settlement was made, and by this declaration bringing into view high-toned

evidence that errors did exist against us in that settlement ; for, I contend, said Mr. Cooper, that men and governments always have a pretty correct idea of their general concerns.—To hear all this and be silent, said he, would be criminal : yet to argue on the subject, seemed to be of little use ; for, when we look the United States in the face and demand of them neither more nor less than substantial justice ; when we complain that egregious errors exist in the general settlement ; when we state that many just charges of large amount were not brought forward ; when we state that large quantities of wheat were delivered by our state to the armies of the United States at the depressed price of one dollar per bushel, according to a price-limiting statute of our state, existing at that time, and certificates issued by the officers for this less than quarter price ; when we state that some other states received certificates at five dollars per bushel for their quotas of wheat, and that those certificates counted on their face at the time of liquidation and settlement with ours : when we state that powder-houses were erected at the expense of our state, and the proceeds turned into the magazines of the U. States, and the charges never brought in at the general settlement : when we complain of these hardships, what answer do we receive ? Why, from Connecticut, the settlement is had ; we do not understand you ;—from Massachusetts, a still more disagreeable tone, even a sort of intimation that we are quibblers ;—from New-Jersey, a solid declaration that no consideration ought to diminish or dismiss this demand—giving our complaints to the wind, without a hearing ;—from Virginia, a *still more tough pill*, even an attempt to *sequester our stock*. And why, or for what cause are we thus roughly handled ; is it, said he, because our government, in order to keep up the armies of the United States, gave a bounty of six hundred acres of land to such as would serve three years ? Is it because our seaports were in the hands of the enemy during the whole war, our towns consumed with fire, and our merchants driven to the mountains ? Is it because our frontiers were over-run with white men from Canada and savages from the wilderness—our flourishing villages laid waste, and the inhabitants carried into savage captivity ? Is it because our middle counties bore the burthen of being the seat of our own armies for several years ? Or is it because the revenue which our state produces to the Union is not more than a quarter of the whole revenue of the United States, that several states whose revenue to the Union is next to nothing

are so deaf to our complaints of errors and hardships on our part in that settlement?

What opinion, said Mr. C. should we have of a merchant, who should refuse to correct an error of great amount in a settlement made with his fellow merchant, but should plead the settlement, and thus hold what he had got by a mistake or by a trick? Why, this would be his true character—that the man who is only bound by the law, would do any unjust thing were it not for law; yea he would, if you please, pick pockets, were it not for the penalty that follows.

An honest man is never afraid to have his charges examined again and again; knowing that the more the truth is rubbed, the brighter it shines. If the charge of the United States against our state is a just one, it will not be the less so for a new hearing. I again repeat it, said he, what individual would refuse a re-examination of his accounts, if stared in the face by a fellow trader, stating that he had obtained greater part of his wealth by an error in settlement? No man would, no man dare. The frowns of society would prostrate him for ever were he to attempt it, and more especially if the person of whom he had taken this advantage, was a man of good fame and of equal standing with himself. And, in this point of view, I contend, said he, that the state of N. York, is of sufficient responsibility in the Union; and of such reputation as to her accounts, as to have a fair claim on the United States, that an order may be had for a new hearing.

We further complain bitterly of the rule under which this settlement took place.

In short, said he, if it is honorable, if it is dignified, for the United States to refuse us a re-hearing, or attempt to sequester our stock, it is not less honorable, it is not less dignified for our state to sell and transfer their stock in the public fund, and withhold payment of the same until the errors which exist against us, can be corrected.

I shall be asked, said he, how this can be done? On which subject I beg leave to advance a thought that hath struck my mind as a thing that would be satisfactory to our state, and no more than substantially honorable and just on the part of the United States; which idea I shall cast before the committee, to the end that if the measure now before the committee should prove insufficient, something on its basis may be adopted,—that is, that three commissioners be vested with full power from the United States, to join three commission-

ers from our state, with like power. Let them hear and determine whether any, and if any how much we are in debt to the Union. I have no doubt, said he, such a measure would be satisfactory to our legislature, and I believe if found in debt, they would make arrangements for payment. Should Congress refuse a re-hearing of the just complaints of that settlement, as it relates to our state, which is intitled to this sort of tender dealing, I shall be for no provision being made to pay the demand. On the other hand, should Congress offer this reasonable and fair thing of a re-hearing, and our state refuse or neglect to act, I shall be greatly disappointed in their attachment to the general government, which I am sure is firm and of a durable nature.

Mr. HAVEN said, when these resolutions were first proposed, he did not think them very exceptionable, being brought forward on the plausible ground of giving information to the different states of the sums in which they stood indebted; but, if his information was right, notification had already been made to the different states, of the amount of the balances found against them, and, therefore, these resolutions could only be looked upon as leading to something further, even to compulsory means being used to obtain a settlement. In this point of view, though the resolutions contained nothing directly objectionable, they became so, and it behoved the representatives of New-York to oppose them.

Though Mr. H. said he was not authorised to say what was the opinion of the legislature of New-York of the settlement in question, amongst the most enlightened citizens of that state, he knew it was considered not only as unjust as to principle, but very greatly erroneous, and highly injurious to that state. He thought it probable that this was the opinion of the legislature also; and substantial justice required that any error in any account should be rectified; at least, that the party who thought there was an error should be satisfied. If the state of New-York was satisfied with respect to the debt in question, he had no doubt, it would be paid.

With a view of putting the business into a less objectionable form, he would propose an amendment, viz. after "earnest request," "that if they (the said states) or any of them object to the principle upon which the balances have been made, they will make known their objections to the government of the United States; but if no objection, that they will cause provision to be made, &c." Mr. H. said he could see no objection which could be reasonably made to this amend-

ment. If the state of New-York had any objections to the settlement, they would of course appoint an agent to inquire into the mode in which the accounts had been settled; this inquiry would produce satisfaction, and whatever was found to be the balance, it would be cheerfully paid; but if this amendment were not agreed to, he said there might be embarrassments thrown in the way—embarrassments which might prove insurmountable.

It had been remarked, Mr. H. said, that this was a kind of arbitration, and that the award was final. He never understood it in that point of light. If the business had assumed the face of an arbitration, it would have been settled in a public manner. An agent would not only have been appointed to bring in their own claims, but also to have examined those of others. But the business had been settled rather in a private manner than otherwise. The books had been kept from view. If there had been no irregularity in the settlement, he could see no objection to its being laid before the United States at large. He had always understood there was some reason for keeping the accounts from public inspection, and it appeared somewhat strange. It looked as if there had been some errors committed which it were improper to shew to the people of the United States. At any rate such ideas had prevailed; they had at least prevailed in the state of New-York. For these reasons, he trusted, the amendment would not be objected to.

Mr. HENDERSON hoped the amendment would not prevail: it looked like inviting objections, at a time when there was no proof that any objections existed to the payment of the balances in question. It was allowed by the opposers of the report before them that at some period it would be proper to enter into a negotiation with the debtor states; he thought there could be no better time than the present, nor any better mode than that prescribed by the resolutions before them.

Mr. KITCHELL said, it seemed to him as if the amendment was introduced for the purpose of giving the state of N. York an opportunity to make apologies for not doing what justice and honor required of them; and supposed that the balance was to be drawn and then kicked out of doors. It was very extraordinary, he said, that New-York having been notified upwards of two years of this debt, they would now require them to give some plea in justification of their conduct.

The gentleman up some time ago (Mr. Cooper) had painted the situation of that state during the war in very strong colours. Mr. K. said, they had most of them been acquainted with New-York and other states during that period, and he thought it might be well known that other states did as much, and suffered as much. New-Jersey, he said, had equal reason to complain of suffering, and, perhaps boast of doing, with that state. But while that gentleman boasted of what New-York had done, Mr. Kitchell would speak of what N. Jersey had not done : New-Jersey had not spent her time during the war in arranging her accounts, instead of being active in the cause of the country.—She did not sit down supine and easy at the end of the war, and not care about her debt ; but she taxed her own citizens heavily to settle those accounts.—She did not take her accounts and put them into the hands of A. B. and C. mean while neglecting to pay her just debts, by which she happened not to be a debtor state. She did not at the close of the war obtain any money unjustly from the treasury of the United States ;—nor did she come forward and seize on lands won by freemen from tyrants :—she did not impose taxes on neighbouring states to the amount of fifty or an hundred thousand dollars per annum : no, but she had every thing to fear, and every thing to suffer, as much as New-York. The house, he said, only called them to come forward to do what was just and right. We only ask them, said Mr. K. to come forward to pay what was awarded as justly due from them. As to the method of the payment, that is not specified : if they think this or that is the best manner to do it, let them come forward and state it ; but if they refuse to settle it, they must be made. Let them state their objections themselves : he presumed they had not delegated their representatives to come to that house and object to the payment of their debts ; no, they were sent there for the good of the Union, to attend to legislative business, and he thought they ought not to have interfered in this business without a delegated power. He should object to the amendment : but as to the resolution, he hoped it would pass in its first form ; and when passed, New-York could come forward and state any objection they may have, and then proper justice would doubtless be done.

Mr. HAVEN said, the gentleman from Jersey had been telling the house of what that state had not done, but he may with propriety be reminded of what it had done. Did not the gentleman recollect when that state laid a very heavy

tax on the light-house at Sandy-hook ; he would ask him what principle that was from ? Mr. H. would not have mentioned this, but as the gentleman had been boasting about the good conduct of the state he represented, he could not refrain. He said, he despised any thing like advocacy on state merits or degradation on state evils : he thought such things had an unfavourable aspect to other parts of the Union : he therefore wished it had been avoided, but since it had been brought up, it could not well be left. That gentleman said the state of Jersey had not engrossed the back lands : he would ask him whether it was not because they never had it in their power ? They could not get at them, but wherever it lay in their jurisdiction, Mr. H. was persuaded, they would have done it. However the tax on the light-house could well be remembered, if nothing else.

Mr. KITCHELL said, he did not mean to reflect on the state of New-York. He intended only to refer to what had been said about the industry and wealth of that state at the expense of all the other states. With respect to the tax laid upon the light-house, he would ask whether the state of New-York had not laid taxes upon every shallop and boat which passed from New-Jersey to that state ?

Mr. SWANWICK said, it was of little importance to the house, what taxes had been laid by the state of New-York or New-Jersey. He hoped the amendment would not pass, because it would seem as if they themselves doubted the justice of the debt. If they had objections to the demand, they would state them, without any provision for the purpose.

Mr. LIVINGSTON said, he should confine his observations to the amendment, as that was under consideration. When the general resolution was under debate, it was objected by the representatives from the state of New-York, that she could not be bound to pay the balance in question, because she had not given her consent as a state to the law for appropriating the mode of settlement ; but now they were told they must wait till that state make objections ; that the delegates in that house had no right to object to it, yet the state was to be bound by this settlement which was made according to a law passed by the delegates of that state in common with others. But if the delegates had not a right (which was his own opinion) to object to the justness of the debt, they had certainly no right to frame the law originally, and then the resolution was wholly out of the question.

Mr. L. said, he did not think the amendment of his colleague invited objection. The friends of the resolution told them that the application was made to know whether it was agreeable to the states to pay the money or not. Now the amendment made the explanation what they said it was, but what appeared to the delegates from New-York doubtful. He hoped, therefore, the amendment would prevail. If it should not, it would cause what gentlemen seemed to wish to avoid, delay ; because, if it was negatived, he should think it his duty, to call for some delay, before the house agreed to pass the resolution before them. He therefore hoped, if gentlemen wished for celerity, or consistency with their own arguments, they would not oppose the amendment.

The motion was put and negatived, there being only 21 members for it.

Mr. LIVINGSTON then moved, that the committee rise for the purpose of a postponement. He thought they had a right to ask this from the candour of the house. It was a subject, he said, which required mature consideration, and more time than gentlemen had yet been able to give it. He hoped therefore this delay would be granted. He wished before he decided on the business to obtain the sense of his constituents on the subject. For his own part he did not wish the decision to be put off altogether. He knew the disadvantages under which the representatives of what were called the debtor states laboured, and he wished to have it determined whether the state of New-York was a debtor or a creditor, whether the whole transaction was to be binding or whether the whole should be buried in oblivion. The result, he said, might be this. The delegates from the state of New-York do not represent her as a separate state, but as a state of the whole. It was possible that that state might come to such measures, as might induce her representatives in that house to withdraw farther opposition to the resolution before them.

Mr. W. SMITH hoped, as the gentleman seemed so earnestly to wish it the committee would rise.

The committee accordingly rose and obtained leave to sit again, when,

Mr. LIVINGSTON asked if it was in order to move to postpone the business to a day certain ? If so, he wished it postponed till that day three weeks.

The speaker informed Mr. L. that the business was not then before them, and Mr. W. Smith moved that the house adjourn—it adjourned accordingly.

Tuesday, January 3.

The speaker laid before the house the certificate and return of Samuel Whittlesey Dana, of Connecticut, in the room of Mr. Tracey appointed a senator.

Mr. DANA took the oath and his seat in the house.

Mr. DWIGHT FOSTER, from the committee of claims, made reports on the petitions of James Betts, John Day, William Caldwell and John and Elizabeth London, which were against the petitioners, were twice read, and concurred in by the house.

Mr. COIT, from the committee appointed to inquire into, and report their opinion of the equity and expediency of extending to the representatives of officers and soldiers of the late army, who died in the service, the benefits given by the resolution of Congress of September 16, 1776, to the representatives of officers and soldiers slain by the enemy, made the following report :

That by the said resolution, in addition to the pay and bounty in money and clothing to officers and soldiers who should serve in the army during the war, certain quantities of land were promised to those who should so serve, and to the representatives of those who should be *slain* by the enemy ; and that, by a resolution of Congress on the eighteenth of the same month the same encouragement was extended to those who had engaged before that time as well as after it.— For a variety of reasons which your committee suppose it of no consequence for them to detail to the house, they can well conceive that it might have been a question of expediency, at the time of passing the said resolutions, whether the benefits secured to those who were *slain*, should not have extended to those who died in the service ; but those reasons appear to have no application to the present question ; and it is now more than twenty years since that resolution passed, and more than thirteen since the close of the service to which it applied : your committee are therefore of opinion, that there are no considerations, either of equity or of expediency, which would either justify or require the extension contemplated in the reference.

The house concurred with the report.

A petition of John Stadler was received, praying that a grant of two thousand acres of land, which he had obtained previous to the revolution, by virtue of a proclamation from

the King of England in 1763, may be confirmed to him in the unappropriated lands north-west of the Ohio.

Also, the petitions of William Brown and William M'Cay respectively praying compensation for services rendered, or losses and injuries sustained in the army.

Referred to the committee of claims.

Mr. SWANWICK, from the committee of commerce and manufactures, made reports on the petitions of John Juhel, Lewis H. Guirlain, William Ustick, jun. and John Hughes, for the remission of duties on merchandise destroyed by the late fire at New-York, which were to this effect: "that it would be introducing a dangerous principle to the revenue of the United States to grant relief in cases of this kind, which were more the objects of private insurance, than of public contribution." The prayers of the petitioners were therefore rejected. The house concurred. Mr. Swanwick, from the same committee, also reported on the petition of Jeremiah Cissel, and others, pilots within the Chesapeake Bay, praying that a law might be passed to regulate uniformly the conduct of pilots throughout the United States: "that though they did not conceive it necessary at present to pass a law to regulate the conduct of pilots throughout the Union, they thought it would be useful to pass a law for the regulation of the conduct of pilots in the waters of the Chesapeake:" and recommended a resolution to that effect, which was agreed to, and referred back to the committee to bring in a bill.

Mr. Swanwick also reported on the petition of Bartholomew Sarazin, a sufferer by fire at Cape Francois, that, during the present negociation with the French Republic, no steps could be taken with respect to this and other petitioners to the same effect. The prayer was therefore recommended not to be granted, and the house concurred.

Mr. GRISWOLD, from the committee to whom was referred the petition of Amos Ailes, praying to be put in possession of certain lands to which he professes to have a claim, made a report. The report was against the petitioner; but, upon motion of Mr. G. Jackson, who was of opinion the petitioner was intitled to the lands in question, and that if a little time was given he could prove it to the satisfaction of the house; the decision upon the report was postponed to the first Monday in February.

On motion of Mr. Swanwick, so much of the report of the committee of commerce and manufactures as related to

the petition of Aaron Sheffield, on the ground of new evidence being received, was recommitted to that committee.

The house then resolved itself into a committee of the whole on the report of the committee of ways and means on the subject of the balances due from individual states to the United States being under consideration.

Mr. WILLIAMS moved that the farther consideration of the subject should be postponed to that day three weeks, for the reasons which had been urged by his colleague yesterday.

Mr. COIT hoped, except some stronger reasons than had yet been given for the postponement, it would not take place. The conduct of gentlemen from the state of New-York, he thought extraordinary on this occasion. It appeared as if they wished to give the business the *go-by* in silence, by means of delay. There had already been time enough for bringing objections forward, if there had been any, for the last three years; but now when they were about to be called upon to pay, time was demanded in which to bring forward objections. For his part, he thought the resolution ought to pass at present.

Mr. LIVINGSTON was sorry the deputation from N. York should be suspected of dissingenuous conduct. They had explained their reasons for wishing the postponement, which was that they might have an opportunity to consult the state which they represented, and not to give the business the *go-by* in silence, as the gentleman from Connecticut had supposed. Some of those members did not consider themselves as representatives of New-York in a separate independent capacity, but in general as a state of the Union, and that it was necessary to have particular instructions on this point. The report, he said, had only been laid a few days on the table; and if his motion had yesterday been in order for a postponement, he had not a doubt, from the disposition of the house, it would have passed.—The gentleman from Connecticut had said that three years had passed since the settlement of these accounts, and no objection had been made to it on the part of N. York. He acknowledged three years had elapsed and no steps had been taken to enforce the demand. He believed indeed that there was a kind of understanding at the time, that these debts were to be buried in oblivion. The creditor states had had their credits secured, but no order had been taken with respect to the debts. He mentioned this as a reason for no steps having been taken. He spoke of it however only from

information. He hoped the delay of three years in the business, would not be brought as an objection against the short postponement now asked for. It had never been their custom, he said, to press subjects which were important, when delay was required by any member on reasonable ground. The time asked was only a few weeks, that the members may consult their constituents, after which they were willing to give the discussion all the weight it would admit. He therefore relied upon it that the postponement would be granted.

Mr. N. SMITH said, it was never the custom of the house to press a subject when there was any reasonable ground for delay. The gentlemen from New-York said it was necessary to hear from their state on the present subject, as they were not authorised to act for that state in its individual capacity. He agreed that they had no right to appear in behalf of that state individually, but he could see no reason for waiting to hear from thence before the resolution in question was passed. Could they not resolve to ask a debtor for payment, without asking leave of that debtor? Were they about to adopt coercive measures, it would be reasonable to give them notice; but they were merely asking for the money. This, he said, was the proper mode of doing it, and would draw forth their objections, if they had any, to the payment. These objections would be given by the state, and this was the regular way of receiving them; and therefore he could see no possible reason to postpone the present question.

Mr. GILBERT said, it would be recollected when the subject of these balances were under consideration three years ago, that there was really an understanding in many of the debtor states, that, though it was necessary that provision should be made for funding what was due to the creditor states, there the business would stop; and, when the motion for relinquishing the debts was agitated, it was said there was no occasion to pass such a resolution, as there was no disposition in government to enforce the payment. A member then in the house, and who was also one of the commissioners, made the motion for relinquishing the claim, as improper. It was observed by the gentleman last up from Connecticut (Mr. Smith) that the members from New-York had no business to represent that state individually. He did not understand the meaning of this assertion. Though he considered himself as a representative of the Union, he thought himself particularly so of New-York. In making this claim, Mr. G. said, the house should be assured it was well-founded. Whether it was

to or not, this was the proper time to shew, and it was therefore necessary that the representatives of New-York should have time to collect facts to shew that the debt was not a fair one. There was no disposition, he said, in those members to give this motion the *go-by* ; but the subject was of a serious nature, and required the delay which had been solicited. Another gentleman from Connecticut (Mr. Coit) had endeavoured on a preceding day to make it appear that it would be the interest of the other states to make New-York pay the debt in question. Upon the same plan, he said, it might be the interest of all the states in the Union to combine and throw a tax on an individual state. He hoped the motion would prevail.

Mr. CHRISTIE wished the postponement not to take place. The gentleman who made the motion, had already had an opportunity of making a long speech on the occasion, and, if the subject was put off for three weeks, he supposed they should have the story over again. He did not possess the fear which his colleague had expressed, of imitating the debtor states by asking for payment. He thought when they wanted money, they ought to call upon those who owed it for payment. If they gave the business the *go-by* now, they should never receive any thing. He was for bringing it to an immediate termination.

Mr. MACON said, he should vote for the postponement. His reason was, that whatever was determined upon the debtor states might not have it to say they had been unfairly used. North-Carolina could not be interested in the delay ; but gentlemen from New-York had stated that they could, by means of the proposed delay, obtain certain facts which would throw light upon the subject. He did not know that this would be the case ; but he thought they ought to be indulged, as very frequently delays were granted in business of much less importance. This very day, he said, a postponement had taken place in a decision upon a report, respecting some land in the back country on a plea of gaining information ; and surely, when this liberty was allowed in matters of comparatively small moment, it ought to be allowed on a subject which perhaps was the most delicate that ever came before that house. He knew it was the general sentiment of his state that if the settlement had been a fair one, they should not have been debtors but creditors ; the postponement was, however, for too short a time to benefit them ;

but, as it had been desired by the gentlemen from N. York, he wished it to take place.

Mr. MURRAY said, as a postponement for three weeks would not answer any purpose to the gentlemen of North-Carolina, he wished it had been moved to extend it to six. He would for his part vote for any amendment, to a measure which he conceived to be so radically wrong. He could wish the measure delayed to another session. Possibly delay might be of great value, not considering it on the scale of pounds, shillings, and pence, but on the score of public peace and tranquillity. What, from the present temper of that house, and from the account given by the gentleman from N. York of the sentiments of that state, could be expected to be gained by the proposed inquiry? Nothing, he feared, but discontent and disunion, compared with which, four million of dollars sunk into nothing. If a delay for three weeks were to take place, the justice of the claim would not be lessened, and gentlemen who desired it would be satisfied. And besides, he hoped, if a delay of one week only took place, the advocates of this measure, when they came to look coolly into the business, would be so satisfied, of the mischiefs which would attend the pursuing of it, that they would be ready to relinquish it altogether. It was hinted, Mr. Murray said, that some of the states would refuse to pay; but if the gentleman's motion succeeded and the demand was made, if it were refused, it must be enforced, or the dignity of the government must be sunk. Had the gentleman from Connecticut imagined this? But, said he, suppose the resolution takes place, and the governments of the debtor states do not choose to comply, and you do not choose to enforce the demand, the law would sleep on your desk, and the impotence of the government of the United States would be seen by all the world; and, if you did determine to force the states into a payment, you might, in some measure, throw them out of the Union in their individual capacity.

Mr. Murray said, he was not one of those who denied the justice of the demand; but he considered the matter more as a great political question, than as to what related to the four million of dollars.

Whilst he was up, Mr. M. said, he would just add, that he did not believe the state which he represented would be one of those which would refuse to comply with the demand; but, as he never could contemplate the payment of the whole debt by the state, he supposed the state of Maryland would

make payment only upon the same conditions with other debtor states.

Mr. MACON said, that one reason for his voting for the postponement was, that the legislature of New-York was now in session, and might be immediately applied to. For his own part, he could with the business postponed another year ; as never having been mentioned in Congress since the settlement, it had laid so long asleep that few members had thought upon the subject ;—the different legislatures had never taken any order upon the subject. Being from a debtor state, he was placed in rather a delicate situation, and therefore, he had not chosen to say much upon the business, and believing, from the temper of the house, that a motion for a postponement of the business till the next year would not have been carried, he had forborne making it ; but these gentlemen in three weeks may be able to learn the will of their legislature upon the subject.

Mr. THATCHER said, that when the motion was first brought forward, he was inclined to wish it might not be acted upon this session, but from a different motive than that which actuated other gentlemen. He thought the session short, and that they had business of greater weight which demanded their attention ; but he thought the reasons which had been offered for a postponement, were such as would convince every man that the resolution ought to be passed without the delay of a day or an hour. What was the reason, he asked, why some gentlemen wished for a postponement for three, others for six weeks, and others for a year ? On the idea that there was a tacit understanding between the United and individual states, that these balances would never be called for. What had been the consequence ? The state of New-York, finding the United States had slept over the business, believed that they should not be called upon, and now, when the call was about to be made it was said they were unprepared. But if the call was not persisted in, it would give countenance to the idea of its being abandoned, and because it appeared, that one of the commissioners had said it would never be called for. He therefore thought it now necessary to counteract that idea, and let it go no further.

This resolution, Mr. T. said, was no more than a bare notification to the individual states that they had certain demands upon them. When this was done, if they had any objections to make to them, then was the proper time to choose

agents to come forward and declare those objections ; for, said he, if the different representatives were to inform their states what was doing, the information would be irregular ; therefore, the same reasons offered by the gentlemen for a postponement, convinced him of the propriety of passing the resolution. Why, he said, were suggestions made that these states were unwilling to pay their debts ? He thought it extremely wrong to form such a conjecture. The gentlemen who represent that state had said, they had no right to say that the state did not mean to pay the money ;—that they are the representatives from New-York to the United States, and of course they cannot speak the language of that state on this particular.

The gentleman from Maryland (Mr. Murray) had offered a reason for not passing this resolution, which would have some weight in it, if it was well founded. These debts were not to be called for, he said, because it would cause confusion, and throw the debtor states out of the Union. If he thought so, he would not vote for a postponement of the business, but that the secretary of the treasury be directed to blot it intirely out of the books. But he had no such idea. They did not know at present, that the state of New-York, or any other state, was disinclined to pay, as the representatives had acknowledged they had no authority to make a declaration on the subject. As far as he understood the business, the settlement was fair, just, and honorable ; and every motive which would induce an individual to pay his debts, ought to operate on the debtor states to pay theirs.

Mr. GILBERT would just make one observation, on what had fallen from the gentleman from Massachusetts ; he as well as several others had taken it for granted that this balance was a conclusive settlement, and from thence there was no appeal. If so it was fit time it should be known. As to the idea of the gentleman that the representatives from New-York ought not particularly to espouse that state, Mr. G. had no such idea : it was true he was a representative of the Union, and as such, he thought, he had a right to give his ideas as full as he pleased on that subject : he believed if no appeal was allowed, the citizens of New-York would be very much dissatisfied. The motion made by his colleague was only for a short postponement ; but gentlemen said there was no ground for it at all ; their ideas are, that the settlement was so conclusive, as not to be suspected of injustice ; but he thought this ought to be decided before a positive demand

was made. He thought it was now the time to have that inquiry made ; and he was sure, if upon a fair investigation there was good ground for the demand, that state would not refuse payment.

Mr. WILLIAMS did not mean to postpone the question over the session, but merely for three weeks; but if gentlemen who represented debtor states at a distant part of the Union would wish it, he hoped they would observe it : he should not object. He again mentioned the prevailing opinion, that the debtor states would not be called upon. He was sorry to hear gentlemen term this settlement a fair one. If it was what they described it to be, he would ask, why were they afraid of having it brought into a second examination? If they thought it, what they called it, they would not refuse a discussion. The gentleman from Massachusetts (Mr. Thatcher) had said, that not a day nor an hour ought to be spared in passing this resolution. He was sure that N. York would not, on comparison with the state from which that gentleman came, lose any thing either as to her expenditures, or her actual losses. He would ask for two weeks, if the other request could not be granted. He only desired three weeks.

Mr. CLAIBORN was at a loss to know what end could be answered by a delay; gentlemen had better at once propose a resolution, that the settlement was an unjust one, and that therefore another should take place ; but no one would attempt to prove that idea—no one had ventured to prove that assertion. It was in vain, he said, to dispute a point, without its errors could be pointed out. The resolution required no coercive measures ; it only asked the debtor states to come forward and fairly settle what the commissioners justly reported to be due. The many observations made upon the subject in opposition to the question could only tend to put off the decision. However, he believed the settlement to be binding ; and to adopt the resolution would be the only way to bring the matter to a decision, and it could not fairly be objected to. He hoped therefore, there would be no delay.

Mr. POTTER was averse to the postponement, because no sufficient reason had been given for it. It had been said, that when the commissioners report was received, the creditor states had had their credits funded, yet it had been tacitly understood, the debtor states were never to be called upon for their balances. This, he said, was not a sufficient reason for the delay. It had been said, that it was improper at this time

to call upon these states for their balances. Was there any better time, he asked, for calling for a debt, than when the debtor was able to pay, or than when the creditor wanted the money? He thought not. If there existed any objections to the payment of these debts, this was the best mode of bringing them forward.

It was said by the gentleman from Maryland (Mr. Murray) that this was a bad time to make the application, and that it might throw the United States into great confusion. If this were likely to be the case, it was best to know it soon. He had no idea of relinquishing the claim; and if they were not to be upon friendly terms with the state of New-York, or any other state, but by the same means which gained them the friendship of the Dey and Regency of Algiers, he should not wish for it.

Mr. Potter said he could not see upon what terms gentlemen objected to this resolution. It was a reflection upon the people of New-York, to do so. He himself had no doubt, but they would pay the money when the demand was regularly made upon them, as it was their share of the price of the revolution, and of their freedom; and that gentlemen should suppose that making these demands was calculated to create confusion in the United States, was extraordinary. By the report of the secretary of the treasury, they had a calculation on the subject of direct taxation. How were these taxes, he asked, to be collected? Were they not to be demanded from states which were taxing their own inhabitants? And would not those people, if the state of N. York and others were excused from the payment of their debts, have good reason to complain, at thus being called upon to make good others deficiencies? And would not they also be as likely to shew a spirit of resistance, when such demands were made upon them, as the state of New-York when she was called upon to discharge her just debts? He believed the one case was fully as probable as the other.

Had the resolution on the table alone been attended to, the present business would have been simple, as it was a mere request for payment, and must have been answered with the money, or reasons why it was not paid? But the subject had been greatly wandered from. As gentlemen were however extremely anxious for a delay of three weeks, he had no great objection to its being granted, though no sufficient reason had been given for it. Mr. Potter concluded with say-

ing he doubted not, the honor of New-York would force them to pay the money.

Mr. GILBERT rose when the speaker informed the house the gentleman had already spoken twice, and that according to the rules, without leave, he could not be permitted to speak a third time. Leave was granted; when Mr. Gilbert again objected to the justice of the claim against New-York, and re-urged the propriety of a postponement.

Mr. THATCHER said, if he had the most distant suspicion that the application in question, had any tendency to produce disunion amongst the states, he should be as strongly opposed to it as any man, because he considered the union of the states as the rock of their salvation.

The gentlemen from New-York, who were the principal advocates for the postponement, did not agree sufficiently amongst themselves, to warrant the measure. One or more of them said they were not authorised to act in the business, others said they were. If authorised, they could not want a postponement for instructions; and if not authorised, the resolution ought to pass, that their state might authorise somebody. Another gentleman had said a postponement was wanted because the settlement was not just. He believed it was just, for three reasons, viz. first, because though the settlement had been made three years, no objection had been made to it; because the settlement had been partly executed, so far as to pay the interest to the creditor states; and because the law making provision for the settlement and final adoption of it, made no provision for an appeal from that settlement.

For these three reasons, which Mr. T. said he had merely mentioned, but which would not suffer for being dilated upon, he should be opposed to every idea of breaking up the settlement which had been made.

The gentleman before him (Mr. Williams) said the house would not give them time to make the necessary inquiries. Mr. T. asked, what inquiries were necessary? The gentleman seemed to misunderstand the resolution. It was merely to give notice to the state, to pay the debt, and did not preclude any reason which they might have to give why it should not be paid. He hoped therefore no postponement would take place but that the resolution would be agreed to.

Mr. MURRAY said the gentleman from Massachusetts (Mr. Thatcher) had misunderstood him, if he thought he

had asserted that certain states would be thrown out of the Union if the resolution was entered into. He thought he had accompanied what he had said with such expressions as that he could not have been mistaken. His meaning was, that if the state of Delaware, for instance, was obliged to pay the debt due from her, added to her present burthens, it would have the effect to bear her down so much as to deprive her of her political consequence in the Union. Other states who were debtor states might be mentioned, with whom these debts, in addition to the direct taxes, would be very burdensome. He did not mean that the Union would be dissolved by it.

Mr. CRAIK rose to make a motion, if in order, that he thought would meet the ideas of many gentlemen, and many of the objections urged by others ; and, for reasons which operated in his own mind, he hoped would prevail, which was to postpone the farther consideration of this subject till the next Congress. It appeared to him that the reasons given by the gentleman from New-York for a postponement of the business only three weeks, would not operate on him to vote for it ; the object did not at all extend to his ideas, that urged for a reason that the settlement was not equitable. Mr. C. said, he did not mean to object upon that ground. He wished there may be time allowed for cool deliberation. The states would have it in their power to re-examine the settlement which had been made. He would wish the door at once to be shut to the business for the present session. He was surprised to hear gentlemen deny that the carrying of this measure into effect was not likely to produce warmth in the country. He thought the conduct of gentlemen in that house proved the contrary ; for he thought they could not expect that the people whom they represented would be more cool on the subject than they were. The consideration of this warmth, he said, operated in his mind against taking up the business at all.

Did not that house pledge itself, when it once took up a subject that it would go as far as it could in it ? Gentlemen said that they did not mean to take any coercive measures, but only to make the demand. If the house determine they will call on the debtor states, they call it a just debt by that determination, and must go through to enforce the payment ; but if after that declaration they do not enforce it, it will only expose their weakness, and without answering the least purpose : when he considered himself in the capacity of a representative of the United States this was his opinion ; and when

he again considered himself more particularly a representative for Maryland, one of the debtor states, he could see no reason to alter his opinion. He was bound to oppose the resolution.

Mr. C. thought the state of Delaware, though it had scarcely been mentioned, would be more particularly affected by a payment of the balances in question than any other. The state of New-York, he said, was fully able to pay ; but the same could not be said of Delaware. Indeed when he saw New-York unwilling and Delaware unable to pay these balances, as a representative of Maryland who was a small debtor, he could not consent to the payment of that debt, when there seemed to be no probability of enforcing payment from other states.

He hoped, therefore, the house would agree that this was not the proper time to make the application in question, and vote for a postponement till next session.

Mr. ISAAC SMITH said, if he understood the measure, it was to inform the states, that there was such a sum of money stood charged against them. There was no threat in the resolution ; and if they had any objection to make to the demand, they would then make them. He had no objection to the notice being expressed in as mild terms as possible. The opposition to the resolution was as warm, he said, as if it carried an execution along with it. He thought this warmth might be withheld at least for the present.

He supposed there would be delay long enough before the money would be paid.

Mr. LIVINGSTON said, that this was not merely a notification, but a requisition. A tacit agreement had been urged. Why then all this unexampled hurry in pushing it on now ? This had an aspect as if the matter was to be hurried on because the commissioners who had recommended an abolition of the debtor balances were not in the house. The hurry now exhibited, was not consistent with the candour always expected from the house. The question was immensely interesting and important. The celerity in pushing this thing through the house might have a bad effect on the debtor states. Gentlemen say that this call cannot produce warmth. At the same time, they do themselves betray the utmost warmth.

A member inquired what was the question.

The speaker said the question was for a postponement for three weeks. The gentleman from Maryland had moved to

postpone till next session, which was not in order ; a day certain must be mentioned, and even that would not be in order, except seconded, which was not the case with the gentleman's former motion.

Mr. CRAIK then moved and the motion was seconded, to postpone the question until the first Monday in December next.

Mr. GALLATIN said, there seemed to be three different grounds upon which a postponement was urged. The first was, on an insinuation that some sort of agreement had taken place, when the sums due to the creditor states were funded, that the balances due from the debtor states were to be relinquished. So far from this taking place, Mr. G. said, a motion to this effect had been made and negatived at that time, by the yeas and nays being taken upon it, 53 to 28. He was hurt, therefore, to hear of this insinuation. The next ground for a postponement was founded on a suspicion that the settlement made by the commissioners was not just. He said he was not going to express any opinion whether the settlement was a just one or not ; whether the rules adopted by the commissioners were good or not ; whether the mode of stating the accounts had been the best. It was desirable that a private settlement should take place, and though it fell hard on some, it was not the less desirable ; but supposing, however, that any of the debtor states, or any state, had a right to object to the settlement, to the jurisdiction of the commissioners, and of Congress, and were not to be bound except by the judges of the supreme court, the proper time to have made these objections was when the bill for funding the balances of the creditor states passed, for that was the time of carrying the settlement into execution.

Why, therefore, Mr. G. said, there should be a postponement of three weeks to enable the New-York members to send to their state, he did not know. They had had time enough ; and he thought the business would have been better done three years ago than now.

The arguments adduced by the gentleman from Maryland (Mr. Murray) seemed to have weight ; that to carry the measure into effect might create confusion ; and that we had not power over the states to enforce payment. As to the danger of confusion, there was as much on the one side as the other ; because those states which were to receive benefit from the payment by the debtor states would have as

much cause to complain if those debts were not paid, as those debtors being obliged to pay what they owe, could have.

The only ground, then, was the want of power to coerce the states, and this, he owned, appeared to be strong. Yet this ground was rather against the resolution itself. It was better, he said, to quit the whole business at once, than to postpone ; than to leave the subject to irritate the minds of the people to no purpose. If it were postponed till next session, the people would be operated upon by a fear of having the money to pay ; and the states who owed it, would also remain dissatisfied.

Mr. G. thought, therefore, it would be best to put the question, and to see whether they had the power in doubt or not. Rather than adopt any resolution to postpone, he would cancel the business altogether.

He would say a word as to coercion. He did not see any power they had over the states, except by attaching any of their property. He saw no other way in which they could lay hands on a state. Nor was this owing to the weakness of government (as it had been insinuated.) This settlement of accounts was a remnant of the old government, and had nothing to do with the present ; for now, their power was to be exercised over individuals, and not over states.

As to the resolution itself, if they went into a committee of the whole, he might perhaps make some observations upon it. He had been at a loss to know why this subject had not been entered into before, and why it should be brought forward now. With respect to the notification, he believed the states had already been notified. As it would not be in order however to go into the subject generally, he had confined himself to the question for postponement.

Mr. CRAIK's motion was then put for postponing till the first Monday in December next, and lost.

Ayes 27.

Mr. WILLIAMS's motion was then put for postponing three weeks, and lost.

Ayes 29.

Noes 51.

Mr. COOPER then moved the question for a delay of one week, which was lost by the same number.

The question then was put for the house going into a committee on the subject and carried.

Ayes 50.

Mr. Muhlenberg in the chair.

Mr. VAN ALLEN said, he wished to simplify the business as much as possible. He believed it was very important to convince the state of New-York that the settlement had been made upon fair and honourable principles ; because if they were convinced of this, they would have no objection to pay the debt ; but, knowing the general sentiments which prevailed in that state of the unfairness of the transaction, he was desirous that some step should be taken which would serve to adjust the business. He thought he held in his hand an amendment which was calculated to have that effect. It was as follows : to insert after the word, “ indeed,” “ and that the proceedings of the said commissioners shall be open for the inspection of such agent or agents as the said debtor states, or either of them, shall appoint to inspect the same.”

Mr. HARPER believed that the gentleman who brought forward this amendment, would have been the last to have done so, if he had seen all the mischiefs which would be consequent upon carrying it into effect. It would be to undo all that had been done with the greatest labour, and with the greatest difficulty, for three years ; and what he asked would be the consequence ? Were they to resetttle the business and consume two or three more years in the affair, there would be no security that New-York, or some other state, would not be dissatisfied, so that there would be no end of such a business. He was of the number of those who wished to have passed by this settlement at present altogether ; but the majority had said, we will have a decision. Let them make one. If he was called upon to vote upon the resolution, he believed he should vote against it ; but, at all events, he should deprecate more than any other possible course, the ripping up of this long dispute.

Mr. WILLIAMS hoped there would be no objection to the amendment of his colleague. If he understood it, it meant this, that they wish to know upon what principle the commissioners settled those accounts, and whether the statements were accurate. It was conceived, he said, that some states had brought a number of articles into the charge which others had not, and that thereby they became creditor states, whereas they would otherwise have been debtor states : some states, it was suspected, had been allowed four times as much for the same articles as other states, and only because they charged it : if this is the case, it must be certainly cause of discontent to those states denominated debtor states : if not, where will be the injury of exposing the accounts to give sa-

isfaction to those states. It may be, Mr. W. said, that New-York would be disappointed in her judgment on this ; if so, he believed there would be no difficulty to the payment.— Was it not right then, he asked, that they should have all the information possible on this subject ; that the principle should be known ; not that they wished to overturn any thing that had been done ; the motion extended only to a necessary inquiry for what they were to pay the money.— The settlement was altogether in the dark, the commissioners had full power ; no person allowed to come before the board with, or for information, and no specific account rendered of the debt, but merely the sum total : perhaps that was the first time that ever accounts were so settled. Surely then New-York could not be blamed for doubting the fairness of that settlement, especially when they knew somewhat of the proportion they furnished to many other states that were returned creditor states. There must have been wrong charges and calculations made. He hoped therefore if they were to be called upon for payment of the demand they would be allowed to see upon what principle the settlement took place.

Mr. W. SMITH observed with respect to the gentlemen from New-York opposing the motion, that the members of that state had generally allowed, and nothing could prove the contrary, that they were not instructed by their legislature to oppose this settlement. The house, he observed, did not know that New-York opposed it ; they did not know that they would scruple to pay the money. He thought it had been sufficiently discussed, and until the house were possessed of information on the unwillingness of that state to settle these accounts, it was in vain for so much debate to take place, when time was so much wanted.

Mr. VAN ALLEN said, the settlement was either made upon just and equitable principles, or not. If upon principles that were fair, the people of New-York would be satisfied with them, and pay the demand ; if not, they surely would object. But, he said, would not that obscure way of doing business tend to make them think that there was something which the government would wish not to be shewn to daylight. The effects of the resolution would be this, that New-York would be satisfied that the debt was owing, and therefore proceed to take means to pay it, or would be able to satisfy the general government that it was not owing : either of which would have far superior advantages to the mode hitherto.

to adopted. This was his reason for making the motion, and it was but just that it should pass.

The question was then put on the amendment and lost, as only twenty members rose in the affirmative.

Mr. MACON said, the original question was now before the committee, on which he should make a few observations. It had been observed that the present was the proper time to call for the debts, but he thought it, of all times the worst; it was well known what a scarcity of money there was now. How came these states in debt to the United States? Who made them debtors? He answered, the United States. The United States, he said, had assumed the state debts, some of which were not half, others not a quarter of the sum assumed: thus many states which were now debtors would have been creditors. If North-Carolina had supposed she would not have become a creditor state, he did not believe she would have been willing to have given up the western country.

Mr. LOCKE said, he believed his observations would answer no purpose, but as he could not comply with the settlement he must give his reasons which were, the unfairness and privacy of the settlement. North-Carolina had every reason to believe she was a large creditor state, particularly as she struck off a million of dollars at her own expense and credit for the general cause; she exerted herself as much or perhaps more than any other state, and three times more than some of her neighbours, who were creditors. However he would wave any further observations at present, but should vote against the resolution.

Mr. GILBERT thought the subject ought to have more consideration, and therefore moved the committee may rise, and have leave to sit again.

Mr. COOPER supposed the house would next send and form a treaty with New-York; as he supposed they were as bad as the Algerines: he meant to make a motion to that effect to-morrow.

The committee then rose, and obtained leave to sit again.

Mr. PARKER from the committee appointed to wait on the President with the resolution of the house requesting information on the situation of affairs between the U. States and the Algerines, reported, that the President informed them that before he had heard of the resolution, he had directed the necessary papers to be made out, and as soon as they were ready, they should be laid before the house.

Mr. HARPER said, that a report had been made by the secretary of the treasury during the last session of a statement of the internal revenue of the United States, with an account of the expense of collection, &c. He said it was a mere temporary order, but, as it was desirable information, he thought it would be well for the house to be furnished with a similar statement every session: he proposed a resolution to this effect:

Resolved, That the secretary of the treasury be directed to lay before the next, and every succeeding session of Congress within ten days after their meeting, a statement of the internal revenue and the expense of the collection, and produce thereof:—Agreed to.

Mr. W. SMITH, from the committee of ways and means, to whom it was referred to consider the subject of further revenues, and the provisions for more effectual securing the internal revenues, reported thereon, which was ordered to be committed to a committee of the whole house.

Mr. SMITH wished to make it the order of the day on Monday next.

Mr. CRAIK wished a delay for a fortnight. The subject was new to him, and he wished to consult his constituents.

Mr. GALLATIN said that the committee of ways and means had thought it needless to enter into details on this subject, till they saw whether the house would agree to the general principle of the resolution. The subject had been known since last session. The sooner it was entered into, so much the better. Either these or some other funds must be found out.

Mr. MURRAY wished his colleague, (Mr. Craik) to withdraw his motion. This was done. The report was made the order of the day for Monday next; and ordered to be printed.

Mr. BLOUNT moved that the committee of commerce and manufactures be instructed to inquire whether any, and if any, what alterations are necessary in the existing laws respecting the entry of goods, for the relief of importers of goods into the ports of North-Carolina, lying upon the waters of Pamlico Sound, and the better securing the duties payable thereon. Mr. B. urged, as his reason for introducing this motion, the great disadvantages attending the entries in those parts, in proof of which he read a letter from a respectable correspondent, making complaints on that score. It was accordingly committed.

Ordered, that John Moore, executor of John Oakley, who presented a petition January 13th 1795, have leave to withdraw the same.

On motion, resolved, that a law ought to be passed, authorising the boards of commissioners of pilotage, in Virginia and Maryland, to grant licenses to persons qualified to pilot vessels to any of the bays or rivers of the Chesapeake, whereupon it was ordered that a bill be prepared and brought in by the committee of commerce and manufactures.

Adjourned.

Wednesday, January 4.

A petition was presented by Mr. Malbone, of John Robinson of Rhode-Island, in behalf of himself and others, owners of a ship, praying remission of a penalty incurred by the captain, for a breach of the revenue laws, against the will of the owners.

Mr. SWANWICK presented a petition from sundry inspectors of the customs for Pennsylvania, stating the insufficiency of the compensation allowed them by law, and praying an increase.

Mr. S. SMITH presented one to the same effect from Baltimore. They were referred to the committee of commerce and manufactures.

Mr. SWANWICK presented a memorial from Philip Audebert, praying an extra allowance for his services as clerk in the war department during the fever in Philadelphia in 1793. In consideration of his age he hoped the house would prevent him from sinking into a state of poverty and distress. Which, with the petitions of Richard Blackledge, presented in 1791, and of Lucy Clark presented 22d of January, 1794, was referred to the committee of claims.

Mr. Swanwick also presented two petitions, one from William Patten, the other from David Miller, formerly grocers in this city, praying for a remission of penalties incurred in having sold wine and spirits by retail without license. The former stated that he had declined business in August last, and had only reserved the remainder of a hoghead of spirits for the use of workmen employed in a building, and that if any part of it had been sold, it was without his knowledge: the latter stated, that he had only reserved a cask of damaged wine for the purpose of making vinegar, and that none of it

had been sold, except on great solicitation, one quart by his wife to a strange man.

Mr. S. moved that these petitions should be referred to the committee of commerce and manufactures. Objections were made to a reference of them at all, as an improper subject for legislative interference. If the petitioners, it was said, had offended against the law, they ought to pay the penalty, and that if the house were to employ themselves in such petitions, they might sit the whole year round about worse than nothing. Mr. Swanwick observed, on the other hand, that he understood the cases of these petitioners were hard ones, having had some conversation with the district attorney on the subject, and that, at least, the petitioners ought to have a reference, since, if the committee of commerce and manufactures (or a select committee if such a reference should be thought more proper) saw no reason to make an exception against the law, in favour of these petitioners, and he believed it would not be said they were very apt to do so, their report would be very summary, and consume but little of the time of the house.

A reference was denied by a great majority.

Mr. DWIGHT FOSTER, from the committee of claims, made reports on the petitions of George Marker and wife, Samuel Wilkinson, and Gilbert Dench, which were against the petitioners. They were twice read, the two former concurred in by the house, and the last ordered to be committed to a committee of the whole, and made the order for Thursday.

Mr. LIVINGSTON said, as they had lately shewn much anxiety about the ideal property of the United States, he thought it was necessary to shew some respect to its real property; for this purpose he moved a resolution to the following effect :

“ *Resolved*, that a committee be appointed to inquire into the title of the United States to lands lying west of Pennsylvania, between the 41st and 42d degrees of north latitude, lately cleared and sold by the state of Connecticut.”

Ordered to lie upon the table.

A motion was made for the house going in a committee on the balances due from certain states to the United States, when Mr. Nicholas rose and said, though the proposition he had made the other day was at that time thought improper, he was more and more convinced of its propriety. He thought the course proposed to be taken by the report which had been made was not the best; he thought they were courting op-

position, and giving the state of New-York an opportunity of embodying its opposition, so as to make it dangerous to attempt, if it should hereafter be thought necessary, to enforce the payment of the balance in question. He believed, the U. States had it in their power at present to do themselves justice ; but were the United States to lay their hands on the funds of the state of New-York as a security for their debt, there would be nothing left to operate upon the minds of the people of that state, but the justice of the measure, as they would no longer foster any idea of evading the debt. He could see no objection to this proceeding.

If there was danger of a serious conflict with that state, in order to recover this debt, he for one would choose to relinquish it altogether ; but if they were to pay themselves by laying hold of their stock, he believed that state would acquiesce in the measure, and there would no more be heard of it, which might not be the case if they made a demand, and were to wait for objections or a refusal of payment. From the zeal which had been shewn by the gentlemen from New-York on this occasion, he asked if it would be extraordinary if that state should put it out of their power to do themselves justice ; and whether when the opposition to the demand should be drawn into a focus, it would not be increased in its force ? He thought there could be no doubt of it.

There was one objection to a proceeding of this kind that might have some weight. It might be said, for instance, that the state from whence he came, or others, might refuse to pay, after they had distrained upon the funds of New-York for their debt. It might be so. He believed that one of the debtor states could never pay. This was no reason why they should not receive the debt from New-York. They might nevertheless allow so much from the amount as should be equal to the deficiency in the payments of the other states. He thought to adopt this plan would be to avoid any disagreeable conflict which might otherwise take place, and be a means of preserving harmony between that state and the United States. He therefore proposed a resolution to the following effect—which he wished to be committed to the same committee of the whole to which was referred the report of the committee of ways and means on the subject.

Resolved, That the balances due from certain states in the settlement of accounts between individual states and the United States, shall be discharged out the funds which such states

may hold in the public debt of the United States, and that the secretary of the treasury have directions accordingly.

Mr. GILBERT said this conduct was unexampled even between nations at war. It was at once making power right. It was true no such remedy could be taken with the state which the mover represented, as it did not possess any part of the stock of the United States. How far this conduct was right, would need, he thought, to be reflected upon a little. Even European nations had abandoned the practice of violating public faith. The gentleman had given it as a reason for his conduct, that the state of New-York might withdraw their money from the funds, and thereby prevent them from paying themselves. He believed they might do that in three days time, and therefore the gentleman's project could not be carried into effect. But he trusted the United States would never shew themselves so lost to every principle of honour, as to attempt such a measure.

Mr. HARTLEY hoped this measure would not be referred. He thought the measure a very improper one. It differed exceedingly from the resolution reported by the committee; that contemplated a friendly request to the debtor states to make payment; but the resolution now offered went to coercion immediately. By our treaty with Great-Britain, the public securities were guaranteed, and not to be attached or seized upon any pretence whatever. Shall we then, said he, treat a sister state worse than a strange nation? He hoped so ungenerous a policy would not prevail. He had no doubt but the state of New-York would be inclined to do what was just and right; and if they objected to pay, they would doubtless give their reasons for it. As to the state of Delaware, Mr. H. was of opinion that she was unable to pay the balance found against her. He presumed she would state her inability, and that relief would be granted her. Though that state perhaps did not advance much money during the war, yet she furnished more than in proportion to her number of citizens. He was therefore decidedly against the resolution.

Mr. LIVINGSTON had no objection to the reference; because he was curious to hear arguments in support of this new mode of keeping up harmony between the states and the United States. It would doubtless require great ingenuity, and introduce a new kind of morality and of logic, to prove that to seize upon the property of a state was to cultivate

harmony with it ; for, in his opinion, the proposition was contrary to all principle and fair conduct.

Mr. COIT was at a loss to know the intention of the mover of the present resolution, whether it was to forward or defeat the object in view. If he intended to serve the cause, he would make use of the same homely adage in respect to him, that he had done with respect to another gentleman, that "he leaped before he came to the stile."—The original resolution, he said, was merely to call upon the states for payment ; but to talk about seizing their property was to suppose they would not pay. The gentlemen of New-York, it was true, had said much against the justice of the debt ; but they were not authorised to act in the business. Had they asked for the money ? No. Was it proper, therefore, in this stage of the business, to take such a step as was then proposed ? It was even a very serious question to determine, whether in any case, they should be authorised to seize their funds.

Mr. W. SMITH hoped that the house had more confidence in the honor of that state than to take it for granted they would refuse to pay their just debts ; he hoped they would not. Such a step at any time would require much serious consideration before it was adopted. Besides, he said, it was singling out the state of New-York, as though there were no other states in that situation : but even in any situation he should doubt as to the justice of adopting this measure ; it was, as the gentleman last up observed, quite prejudging a refusal before it was asked of them. And even were they to refuse payment, he was as doubtful of the propriety of laying hands on their property. He hoped the house would never embark in a measure so unjust as that proposed. The resolution first read was in itself moderate, and gave equal liberty to all the debtor states, whereas this was very severe and levelled only at that state.

Mr. GALLATIN said the arguments of the gentleman from South-Carolina, were rather against the resolution itself, than against the propriety of committing it. One of the gentleman's arguments was not founded in fact. He had said that the measure would affect New-York only. But of the six debtor states, four of them had property in the funds of the United States ; two of them had more than they owed. Pennsylvania had six times as much in the funds as she was reported to owe ; therefore the measure could not be singular towards New-York.

But, Mr. G. said, he considered that when a resolution was laid upon the table, the only argument against committing it must be, that it was evidently glaringly imprudent and improper. As to this resolution being proper, or improper, prudent or imprudent, he could not say, because not under consideration ; but he thought there was nothing so glaringly improper in it, as to prevent discussion.

He said he had only heard one thing which was an objection to the motion being committed, which was from the gentleman from N. York. He said the measure was disgraceful, and such as would not be adopted by one hostile nation towards another. That gentleman, Mr. G. said, should recollect one thing ; supposing that it would be disgraceful to seize the property of individuals in the public funds, on account of any misconduct of that nation, yet there was nothing disgraceful in the measure now proposed. That gentleman had said that no nation at war would seize the property of their enemy. Did he not know that England had seized all French property which they could lay their hands upon. Here was a state, he said, owed them a sum of money, and the measure proposed was, to take their property in the funds to pay it. He thought there was no difficulty in the case, if they supposed the transaction to happen betwixt individuals. If a person had laid money in his hands, and at the same time owed him money, he should at least discuss the matter in his mind, whether he would let him have the money before he paid him what he owed. All that was asked, he said, was that the matter should be discussed ; if it was found improper, it would of course be rejected.

Mr. COIT thought there was some difference betwixt the resolution before them being referred to a committee of the whole, and the committee upon the subject of the balances.

Mr. S. SMITH said, before the question was put, he wished to say a few words on the subject. Gentlemen might say they would lay hands on the property of the state of New-York. The gentlemen from thence had said, that state would not pay the debt. But Maryland, he said, would pay ; and she depended on the interest of her stock in the funds of the United States to pay her civil list. If they chose to seize the funds of New-York, why should they seize those of Maryland ? Maryland, he said, was every year purchasing fresh stock. At this time, he believed, Maryland had money to lay out in these stocks. A resolution of this kind, he said,

would make it possible for the United States to seize the property of states without right. He thought payment should first be asked. Until this was done, they should not take a step of this kind which would have a tendency to destroy the public faith. He hoped, therefore, that the resolution would not be committed, as he would not have it supposed possible that the United States would at any time seize property which had been lodged for security in their funds.

Mr. NICHOLAS said, if it was possible his motion would produce the effect the gentleman last up supposed, he would withdraw it ; he thought it might be so modified as that such an effect could not even be supposed. He thought its tendency would not extend farther than he meant in making the motion, viz. to prevent a transfer of their money in the United States stocks for a certain time ; it would be putting into the power of the nation an eventual security.

He said, he had not been shaken by the raillery of the gentleman from New-York, nor had he heard any objection which had any weight on him. He should not, as had been insinuated by that gentleman, pretend to use any new logic or fine words. He thought the motion would act as a preventive to keep the passions of the people from being raised, when they find this house exercises their power ; now, he said, was the very time they had the power, it were foolish for men to use force when it can have no effect. If the motion had all the force which the gentleman from Maryland conceived, he would be willing to withdraw his motion ; however, when the house went in committee on it, he should hear the idea of gentlemen on the subject more fully. He intended it merely as a security which, he thought, from the declarations of gentlemen of that state, to be necessary.

The question was put on Mr. Nicholas's amendment and negatived.

Ayes 35.

Noes 42.

The house then went into a committee of the whole on the original report.

Mr. Muhlenberg in the chair.

Mr. READ hoped the resolution would be agreed to. He said, he had attended to all the objections which had been made to the measure, and they did not appear to him to have any real weight. They were principally these. It was said by some the debt was not justly due ; that the rule of apportionment was not what it ought to have been ; and that

it was not in the power of the United States to enforce payment of the debts. The resolution was also objected to on the ground of policy.

With respect to the justice of the settlement, he did not believe that the debtor states would pretend that the debts were not justly due, and therefore the arguments on this head were of no weight, as they ought not to anticipate such a conduct. With respect to the power to coerce, it was frivolous in the extreme to talk of this. It was supposing the debtor states to object to the demand, whereas they presumed no such thing. He believed the debtor states would pay. With respect to the policy of the measure, it was his opinion that there was no better policy in either states or individuals than to pay their debts. If our government, he said, was founded upon erroneous principles, vicious measures might be necessary ; but so long as it was founded on equal rights and privileges, there could be no sounder policy than to make justice and equity our guide.

It had been supposed that the state of New-York would not pay her debt ; that she would prove herself less friendly to the Union, less federal, than others. He did not believe this, he believed that state perfectly federal. Would not the same arguments fall upon the creditor states ? Were they to omit calling upon the debtor states, would not the creditor states be disappointed by these debts not being paid ? Would it not have a tendency to make them less friendly, less federal, were they to be called upon for money which the debtor states ought to have paid ?

Mr. R. said it was clear, upon the principles of policy and justice, the application ought to be made at this time. The longer persons neglected to pay any just debt, the more unwilling they were to pay, and the difficulty of recovering it increased in proportion to the delay.

In respect to the state of Massachusetts, which he had the honor to represent, it was one of the creditor states. It was at present burdened with very large debts, contracted in support of the war. Many persons expected, and perhaps the state in general, that their account would be allowed. The amount was 1,200,000 dollars. They supposed this sum would be paid by the debtor states, and if it were not paid, it would make a direct tax very unpopular with them.

There had been an objection urged by the gentleman from New-York (Mr. Williams) which he thought had not been

noticed. He said there had been large emigrations from other states into that state since the settlement of the accounts, which had so increased their population, as to greatly increase their debt, that being estimated on a scale of population. If it was true that such an emigration had taken place, and he expected it was, it enriched the state of New-York, and enabled her to pay the debt. The people knew when they went into that state that they would have to bear a part of the debt. They had left creditor states, and by these emigrations of young and enterprizing men, those states were impaired, the aged and infirm being left behind.

Mr. R. concluded by saying, that it was proper requisition should be made for payment, and he doubted not it would be complied with.

Mr. FREEMAN thought the resolution a very proper one. It was agreed, he said, on all hands, that revenue was much wanted, to meet the present exigencies of the country ; the people in the creditor states were extremely dissatisfied at the delay of payment in the debtor states. He should be unwilling to vote for taxes to supply national wants, while this settlement was left unpaid ; upon this ground he should vote for the resolution, and he hoped it would now pass. The gentlemen from New-York had objected to it on the ground of the inhabitants being changed in that state since the time the debt was incurred ; Mr. F. said, if people thought worth while to emigrate from other states to that, and reside there, the accumulation of their profits and wealth would render them regardless of the pretended burden which the state debts would put on them : and on the ground of apportionment, he thought no rule could be more equal and just than that which was made at the time of the settlement.

Mr. WILLIAMS rose, and recapitulated his observations before made on the subject of apportionment, insisting that the great emigration to that state which he stated at two-thirds of the present number since the year 1789, would render it very unjust in them to lay a tax to pay this debt, whereas it should now have been a creditor state, if that emigration had not taken place. He asked whether it would be honest or just to call on persons who came from creditor states, where they would have received advantage, now to be taxed to pay the debts incurred before they left their own state ; if this mode was to be adopted, he contended it would be but poor encouragement for emigration, and it would be impossible for such a state to discriminate.

Mr. GILBERT wished, before the question was put, to observe on what fell from some gentlemen on the want of revenue. He well knew the United States did want revenue; but he would ask gentlemen whether that is a reason why New-York should pay an unjust debt? He said it was proper before the debt was paid that the state should be satisfied the claim was just. He was sensible and sorry that nothing which could now be urged would have a tendency to prevent the resolution passing; but he thought gentlemen should consider the subject well before they voted for it. These debts, he said, were incurred by the United States, and not by the individual states, and under the old confederation it was supposed that ample provision would be made for the discharge of them—he knew of no right there was to saddle these debts on any individual state. Mr. G. again enlarged upon the mode of settlement, and the declaration of the commissioner (said to be General Irwin late a member of Congress for Pennsylvania) that the balances would never be called for. He did not think one man in the house could conscientiously say the demand was just.—He then adverted to the services of New-York, during the war: he said, he did not like to draw comparisons, but he must declare, while no state did more than New-York—after all it was brought in arrears. His constituents thought it an unjust demand, and could it be supposed they would like to pay it? New-York, he said, in imposts and tonnage, furnishes four-fifteenths of that branch of the revenue collected by the United States. As to the policy of the measure, he should leave gentlemen to judge of it. There was no basis on which the demand could be constitutionally founded.

Mr. SITGREAVES said, from the nature of the objections which had been made, he should have been as well satisfied if the present subject had not at all been stirred; but having been moved, it ought not to be abandoned. And this flowed from the nature of the objections offered; because, if they had a right, they had the moral or physical power of enforcing that right. There could be no doubt, if the money was due, it ought to be paid, and every consideration of expediency pointed out this as the proper time. He knew he had heard the gentlemen from New-York, over, and over, and over again, deny that the debt was due; but, supposing this to be the case, why not make the application? If, when that application was made, any state did not choose to pay the money, they would of course state their objections. But he

was well satisfied, they ought not to stop at making the demand. They had been told, though not in direct terms, in such as were well understood, that we might demand if we pleased, but under the present impressions of New-York, they would not pay the debt said to be due from them. They had been told by other gentlemen that they had not the means to coerce the payment. If this were the case, it was proper they should lay hands upon the only thing in their power, which was their share of the public debt of the Union.

By this, Mr. S. said, it would be seen, that he meant to revive the question of the gentleman from Virginia (Mr. Nicholas.) He was very indifferent about the fate of the former motion, because he knew there was no rule of order that could prevent an amendment being introduced in the committee of the whole for discussion. He said, if they could get at this money, without violating any principle of right, they ought to lay hands on at least a debt of 1,200,000 dollars, for which they were receiving interest; more especially as this was a part of the balance found against them in the settlement of the accounts.

Mr. S. said, he could draw no analogy between the present business and the British treaty, and wondered any gentleman should think of introducing that subject. It might be perfectly true, he said, that it would be improper for one nation to lay hands on the property of another; but, was there any law to prevent him from laying hold of his antagonist; and if, said he, the property of the state of New-York is in my hand, and she owed me money, where was the propriety of paying with my right hand, when there was an uncertainty of receiving with the other? He thought there could be no objection on this ground; but there was an objection on account of the negociability of government paper. He owned he had scruples on that subject. The gentleman from Virginia having doubtless considered the subject could perhaps remove them. In order therefore to bring the motion before the committee, he moved to add the following amendment.

“Resolved, That any transfer of the debt of the United States in the books of the treasury, held by any of the debtor states, by the settlement of accounts between the several states and the United States, or by any person holding evidences of the said debt, shall be withheld, until the balances of the said states shall be discharged.”

Mr. NICHOLAS said, he did not understand what scruples the gentleman from Pennsylvania could have about the transferable property of these debts. He was satisfied with respect to New-York, and it was impossible any other corporate body or person could be affected by the motion. The transfer, he said, was a sale of the property, therefore, a denial of transfer, would completely prevent any person from being involved in this measure besides the state in question.

Mr. GILBERT asked the gentleman last up, if there was no difficulty of a constitutional kind in the way of this measure? If he understood the constitution, they could not pass an *ex post facto* law. Had they not already said this paper should be transferable? If so, had they a right to say it should not be transferable? Was this the regard which the legislature intended to shew to its own faith? He trusted it was not.

Mr. POTTER objected to the present motion. He said the state of New-York was a debtor, or not. She would either shew herself not to be a debtor, or pay. But to pass this resolution would be to consider them as swindlers. If it was a debt, he was confident they would pay it.

Mr. P. said, he could not account for the manner in which the gentlemen from New-York had managed this business.—In one place they say they have no authority to act, and yet in the next moment they proceed to oppose the resolution to call upon their state for the debt, as if they supposed that unless they opposed the business, their state would be so simple and honest as to pay, without objection. But, for his part, until he knew whether that state would pay this debt, or not, he should believe they would pay it honorably.

Mr. WILLIAMS rose to vindicate the conduct of the New-York members in speaking on the subject: he also wished to know why the resolution should be levelled at New-York only; he considered it as very unfair dealing. He said, they only contended if the settlement was fair, the demand would be complied with; until they were convinced of that, it could not be expected. He would ask, respecting the motion under consideration: was it fair for them to lay their hands on all they could, because it was in their power? The gentleman who brought forward this second resolution, perhaps, knew that the state he represented had no money in the United States fund, else he would not have moved it. He asked again, why they should aim at New-York alone, when Delaware and other states were in a like situation?

Mr. GALLATIN wished the mover to modify the resolution, so that it should not affect any state to a greater amount than the debt they owed. For instance, the balance against Pennsylvania was about 80,000 dollars, but she had upwards of 400,000 in the funds, and he should wish that the provision should not reach to a higher sum than the 80,000. He said, he had, however, no sort of view to Pennsylvania, because he believed she would make no objection to fulfil her engagements.

An amendment to this effect was introduced, when the question was put and negatived, 45 to 30.

The original resolution being under consideration,

Mr. HENDERSON said, he should not have rose, but for an observation of the gentleman from New-York (Mr. Gilbert.) That gentleman had said, "That he did not believe there was a member of that committee who really believed the balance found against the state of New-York, to be just." Mr. H. said, if he were of this opinion, he should vote against the resolution; but believing, as he did, that the balances were just, being settled by men of abilities and integrity, who had no interest to do other than right, and as no objection had ever been made by any of the states against the balances, he should think himself unfaithful to his constituents if he did not vote for it. He begged, therefore, the gentleman would except him from the number who did not believe the debt just.

Mr. GILBERT allowed the gentleman might be an exception; he again adverted to the services and sufferings of New-York during the war, observing, with respect to the settlement, that while other states brought every thing, and circumstance, and more than all into their account, New-York brought nothing but what was fair and upright: and that they cast near a million of dollars more, for the support of the whole, than all the delinquent states put together.

Mr. THATCHER would tell the gentleman that he believed from his heart, that the debt was just.

Mr. POTTER said, one gentleman from New-York talked of the great exertions of that state in the war, another came forward and said he did not believe there was a member in the house who believed in his heart the debt was just. Every state in the Union, he said, might come forward and boast of what they had done; but it would serve little purpose; for his part, he believed New-York had done the least, and been benefited more than any two states. He wished also

to be excepted from the gentleman's account. He thought the debt just.

Mr. BURGESS.—Mr. Chairman, The state of North Carolina is among those called debtor states : her representatives feel some of the observations which have been made, forcibly : that North Carolina is unwilling to pay just demands they cannot concede ; that she is not willing to pay this demand, they do believe : and yet I am not prepared to assert this an unjust one. The amendment lately negatived might have given means to have quieted, or have justified her : gentlemen, however, thought it a dangerous one—perhaps it was. That amendment might have precluded them from the means of satisfying her how the exertions, expences, or sufferings of sister states so far exceeded hers, as to leave her, justly, so great a debtor ; and believing as she does, that she did all she could—are her representatives to blame for opposing the present resolution on your table ? I beg gentlemen to consider the extent of this demand, and the small resources of revenue North Carolina possesses, and ever has possessed : I believe, Sir, I am correct in saying it nearly equals the one half of the aggregate amount of her nett revenues from her charter from Charles the second, until the commencement of the war. This, Sir, is no trifling aggravation. Will gentlemen stop then, one moment—will they reflect ? Will the dignity of the United States be promoted by receding from a demand, earnestly--solemnly made ? How ? where ? where is it to be made ? If just, Sir, I would ask, is it prudent ? But will the state of North Carolina, with the information it possesses, think it just ? Permit me, Sir, gentlemen have spoken of what other states have done, and of what they have not done ; with leave, I will state a little of what North Carolina has done and suffered—of what she has not done—of what she cannot do—and of what, I fear she will both do and suffer. But just let me say what she was—is, and may be. I have not been in the habit of troubling the house with long harangues, nor do I now intend to do it. As my voice is weak, and I am no orator, I must beg a patient indulgence.

Sir, North Carolina was, before the war, a wide extended territory of 80 or 90 thousand square miles, with less than two hundred thousand inhabitants, consisting of farmers, planters, labourers and hunters—in spacious settlements—without great cities—with little money and not much capital. With numerous flocks and herds, no rich men, and

but few paupers : perhaps in no known country of the world was property more equally divided, the inhabitants less dependent on or united with each other, with a revenue short of 50,000 dollars and with little public debt.

North Carolina, Sir, now has less than half her former extent of territory ; and, according to the last census, nearly double the number of inhabitants. Ruined cities—desolated villages—deserted farms—a few rich, and many poor, little increase of revenue—(see the report on your table) and a public debt glaring her in the face ; increased to the amount of twenty years of her revenue. She has no claim to the character of a commercial country : she possesses small resources, and she has nearly lost, by at least, the ill-timed, however well intended interposition of sister states, all value in a species of property, once of considerable estimation ; a species of property which the Almighty in wrath to our forefathers suffered to be entailed on us, and which it is hardly possible she can be happy with, and most certain, for a time at least, with her present habits, be so without.

North Carolina has some resources which time may mature, to an independent, happy mediocrity. If she cannot figure with her commercial sister states, and aid you with extensive revenues of her own collection, she will be a great consumer : her sons love good cheer and fine clothes : they are numerous, and return your merchants their imposts with handsome profits. Witness the Newbern principalities, so conspicuous in all the great commercial states. She may not, if you check her, give you numerous, independent and faithful citizens, and armies of hardy soldiers.

Of what North Carolina has done in the common cause, she will not boast, to lessen the comparative merit of sister states. She did all she could—so did others : mighty was the struggle—rich the prize—contested and glorious the result. But, Sir, North Carolina was the first theatre of war, the blockade of Boston excepted. Unfortunately her citizens were of divided politics ; this the English government knew, and made there the first efforts : thousands joined them—internal war raged with violence : to which your journals bear ample testimony, by the well earned laurels so liberally then bestowed to the success of the advocates of liberty. But alas ! the fire was kindled ; for 17 years and upwards her villages, fields and forests were never free from the inroads of the enemy aided by her misguided sons : from the Virginia line to the southern boundary—from the shores

of the Atlantic to the Indian settlements, was this devoted country exposed to domestic, foreign, and savage cruelty ; a scene of desolation, fire and sword ; while, far removed from the seat of preparation and power, she was constrained to exceed her own resources. Twenty millions of dollars were emitted ; several millions of which exchanged for service and supplies, and sunk in possession of the holders, to the ruin of her citizens : nor is she able to indemnify them : this falling discount was incurable, and with this, the over rigid economy of her agents rendered doubly oppressive. I appeal to her records for the truth of this, and ask, was this the case in all the states ? No, Sir. From these two sources is her present disastrous state and mighty debt. The detail is better conceived than expressed : to justify ourselves rather than accuse others is my object.

Again, Sir, North Carolina independently gained, and gave up as common stock, for liquidation of public expence, more than half her territory. Although some of her ablest statesmen wept at the surrender, she was deaf to their remonstrances. I ask gentlemen if she would have done thus, had she expected the present demand ? Besides, Sir, North Carolina, conscious that her convulsed state, and other circumstances above adduced would prevent an arrangement of accounts that would secure her equal justice, was opposed to the assumption by which this debt is created. I do not make this matter of merit, but state it as a natural cause that may increase her discontent.

Again, Sir, North Carolina far removed from the seat of public information, and with little advantages of frequent commercial intercourse, had not the opportunity of equal benefit from the pittance of the rigid economy which her agents had left her citizens. With honest indignation she now reflects, that her public securities are swept away by foreigners and citizens who with more prompt information perverted her every village and almost every farm, as the enemy in time of war and with little less fatality, and almost without money and without price.

Again, Sir, I would observe of what North Carolina cannot do. I beg her pardon if I under-rate her : but I do believe she cannot pay the demand with the accruing interest, and provide for her own government ; the more especially so if the apportionment of direct taxes contemplated should obtain, without unreasonably and unequally burdening that part of your citizens.

North Carolina, I fear Sir, I greatly fear, contemplating what she was—what she now is—what she may be, if only equally burdened, relative circumstances considered: and what she has done and suffered—what she has not done, and what she cannot do—will really complain, and be convulsed to the very centre.

North Carolina, Sir, claims, her representatives conceive she may with modesty and decency demand, that the claims contained in the resolution on your table, if not relinquished, should be suspended. I appeal, Sir, with confidence—I appeal to the candour, the feeling of every gentleman on this floor, can it be doubted but that her exertions, her sufferings during the war, and her apparent willingness since, to contribute to the common fund, by her so liberal and extensive cession, entitle her to, at least the last, if not the first, of these requests.

Mr. S. SMITH said, he was one of those who could have wished the present subject had not been brought before the house; but being before it, he was ready to give his vote for the measure, as it was incumbent upon them to endeavour to get the balances paid. The gentlemen from New-York and North Carolina, had complained of the injustice of the debt. The state which he represented, he said, was a debtor state, and they were willing and able to pay. The gentlemen from New-York, it appeared, were anxious to have the whole business opened again. One of those gentlemen gave as a reason for this, that stores in the account were charged more in one state than in another. He saw no injury in this, as flour might be purchased in Virginia at 7 dollars a barrel, when in Pennsylvania it might be 11. This single objection shewed what cavilling would be the consequence of an opening anew of the accounts.

Mr. S. said, it appeared to him that the state of North Carolina had less reason to complain, than any other state in the Union. He did not mean to say that they exerted themselves less, and he believed the exertions of New-York were not exceeded, according to her means, by any other state.

An observation, he said, had been made on the subject of assumptions, by a gentleman from North Carolina. He meant not to have ripped up this business afresh; but since it had been mentioned, he would say that their debt had been occasioned by too high an assumption; if that had not been the case, they would have had to receive a very considerable sum.—New-York, he said, assumed her debt at two millions,

of which she received 1,200,000. Let her, said he, disgorge that sum. How, he asked, did New-York get possession of her treasure? By the blood and treasure of the whole, in her vacant territory. This was the way in which she became rich: and it was extraordinary that a state which had gained so much by the revolution, should be averse from disgorging her just debt. How they were to get at this debt, he knew not, but they must pay. It was doubted it would not be paid; but he trusted that a state famed for her order and good government, would not refuse to pay a debt so justly due. It was a large state, and he thought able to pay, and it was but just.

When the mode of settlement was agreed to, Mr. S. said, none knew who would be debtors and who creditors. All acquiesced in it. Why, then, talk about going anew into the business, which might take them a year to settle the principles upon which it should be opened?

He trusted these balances would be paid, as the representatives of credit states would be very unwilling to lay a direct tax upon their constituents until they were discharged.

Mr. Gilbert rose to explain to gentlemen who thought the New-York members had said their state would not pay: they said it would not be willing to pay unless it knew for what, and that accounts were fairly settled. The assumption he said was made out then by the corresponding census; why then should they disgorge what the United States assumed to them more than any other state?

Mr. BLOUNT observed, that he had said so much on a former occasion upon this subject, and knowing that whatever he might say would have no effect upon the decision, he meant to have satisfied himself with shewing by the Yeas and Nays, that he had not been consenting to the measure. But when he heard the gentleman from Maryland (Mr. Smith) say "North-Carolina had less reason than any other state to complain," it would have been criminal in him to have been silent. He had made the assertion without a single fact; it could not be true. He believed the United States would not believe it. Were not Georgia and South-Carolina, Mr. B. asked, defended by North-Carolina? Could it have been believed that Georgia was a creditor state, when charged on the ratio of two representatives when intitled to less than one; some part of the war, he said, Georgia had not more than 500 inhabitants. Had not South-Carolina militia from North-Carolina in almost every month of the war? Such

an assertion was one, that, on reflection, the gentleman would be ashamed of having made ; he should call for the Yeas and Nays on the question.

Mr. S. SMITH defended his assertion, which he grounded on her debt having been very considerably over-assumed.

Mr. Blount said, if they had no other grounds of complaint, they should have complained of this. If North-Carolina had had no debt assumed, he said, she would have been a creditor for more than two millions. She would have sunk the debt, instead of having a debt of more than 430,000 at home, and under a charge of owing to the United States more than 500,000 dollars.

Mr. LIVINGSTON said it was extraordinary, that gentlemen should be continually insisting upon the impropriety of going into an inquiry whether the claims in question were just or unjust, yet they themselves went into comparisons betwixt the services of different states. He would not make any comparison on the subject ; but he would do what he thought necessary, viz. testify to the world his objections to the present proceedings. He had already taken up so much time of the committee, which however had been mostly employed in fruitless attempts to get the business postponed, that he should be unwilling then to trespass long upon their patience.

This business, he said, originated under the old confederation. The states agreed upon an order for the settlement of their debts, but in the new constitution, they entered into no new governmental compact for the settlement of these debts, so that it was found to be necessary to take up the subject. They therefore found two laws passed. Here, he said, was the great evil which New-York had to complain of. Here, every state who wished to set aside the settlement should point. The United States, who was a party concerned, passed a law appointing commissioners and prescribing rules to govern the two parties, without any delegation from the states. All the states, he said, would always have an interest in throwing a burden upon one state, and the injustice complained of would appear, if it was shewn that this was done. It was not only their interest, he said, to do this, but rules had actually been prescribed which were unjust to some of the states. This law, he said, was passed. New-York had no representative in the business who had power to bind her to this new settlement. The amount of that state was kept clear and regular, with vouchers to every charge ; but

in this law, it was allowed to the commissioners to receive accounts unsupported by vouchers, if they should see proper. He asked if this were just to those who had been scrupulously correct? If it were just, he thanked God he had never learnt or practised upon such principles of justice. Another rule established was, how the debt should be divided amongst the different states. The states had prescribed rules, under the old confederation; but these were changed by this law. It was now settled that the rule of apportionment should be made upon a scale of population. How this affected New-York had been shewn by one of his colleagues (Mr. Williams). From forty or fifty thousand inhabitants, which was about their number at the conclusion of the war, from emigration, they had then one hundred and thirty, or one hundred and forty thousand. He asked, therefore, whether this rule was just? If it was not, how could gentlemen be charged with advocating unfounded positions, and even have a week's delay refused to gain information on the subject. It was his opinion these arguments had weight, but, perhaps, his opinion might not have much weight with the committee.

But, setting aside this principle of apportioning the debt, taking it for granted, that New-York consented to the whole, still, he said, there were principles even in common law, under an award, which this business had been likened to, that would enable them to attain relief under their complaints. It was impossible, time had not been allowed them to do it, to bring forward vouchers, otherwise they should have proved that such overcharges had been made by other states, as would have convinced that house of the propriety of setting aside this settlement; but not having these vouchers, he would say no more on this head.

The rules of settlement being changed without their consent, being, in their opinion, unjust, if it was in vain that he appealed to the justice and equity of the house, he would appeal to the expediency of the present measure. The debt, he said, might be just. He would not be understood as saying that the state of New-York considered the debt as unjust, but he thought she did. Thinking it unjust, the probability was, she would refuse to pay it, and produce her vouchers to the world, to shew that she ought not to pay it. In what situation would the United States then be.

The state of New-York was not to be looked upon as an individual, it was a sovereign independent state of the Union;

persuaded of the injustice of the present claim, she would refuse to pay it. Already, said he, you would have taken one step, you have said you would be paid. They had been told, he said, by the gentleman from South-Carolina (Mr. W. Smith) of the advantages which would arise to the Union by the payment of this debt, by the state of New-York. He told them of the navy, the forts, &c. it would build. Indeed he put him in mind of the exploits of Don Quixote ; for though he had not built himself wind-mills, he had erected himself many beautiful castles in the air, which, he fancied, would have their proper effect upon the house.

He hoped the reason he adduced, if they had not the effect to reject the proposition, would at least shew that the state of New-York had ground to be dissatisfied with the proceeding.

Mr. BALDWIN said, if the observations of the gentleman last up were well founded, there would be something to justify the house to cancel the debts ;—but he thought it could be plainly proved they were not. If the gentleman would give himself the trouble to look at the old ordinance he would find the whole of the settlement accompanied by vouchers of incontestible authority ; the commissioners admitted of nothing but real parole evidence : they heard the story, examined the evidence, and then reported what was their best judgment of the true settlement. Mr. B. also answered to the observation of the member on the obscurity of the settlement. He observed that it would be inconsistent, improper, and almost impossible, to go back again into the settlement. He said that the settlement was authorised by three several unanimous acts of the government, which he thought sufficiently good auspices to warrant a procedure ; and as good as could be expected were the settlement to begin again. Mr. B. said such a scene as was exhibited at the commencement of the sitting of the commissioners, perhaps never before occurred : it appeared as though all the individual states were in severe conflict with the United States to obtain their settlements ; it was done with closed doors :—such a scene he hoped never again to witness.

As for the state he lived in, they had been paying and paying, and yet found themselves unable to settle their accounts : she would not have been a creditor state in this balance had not her debt been assumed at three hundred thousand dollars instead of seven hundred thousand dollars. There was a bill brought in to assume her at the other four hundred thousand,

but it fell through either in this house or in the senate : by which she became a creditor to a small amount.

Mr. POTTER said, the gentlemen from New-York ought not to complain that the demand was unconstitutional, when, if there were any grievance, it ought to have been made at the time the census was taken. They appointed agents to go before the commissioners ; they then agreed to the measure, and if it had turned to their advantage, most likely would not have now objected. If they had any vouchers, then would have been the time to have produced them, and not have stopped three years before a complaint was to be heard. N. York, he said, was fond of funding and assumption systems, but not of refunding. Their objections to the settlement were improper at present : he wished the question to be taken.

The question was then put and carried. Ayes 53.

The committee then rose, and on motion being made for the house to take up the business.

Mr. Christie hoped the house would adjourn, or had no doubt the gentlemen from New-York meant to give them a few more long speeches on the occasion, and he did not wish then to stay to hear them.

On the motion for adjournment there were

Ayes 39.	}	Adjourned.
Noes 38.		

Thursday, January 5.

Mr. Dent requested to be excused from the committee of commerce and manufactures, which was granted, and Mr. S. Smith appointed in his place.

Mr. D. FOSTER, from the committee of claims, made reports on the petitions of Samuel Stow and Luchlin Mackintosh, which were against the petitioners ; they were twice read and concurred in by the house.

Mr. HENDERSON said, that every day's experience convinced him of the propriety of adopting some rule to close upon petitions which had already been decided upon by the house ; for, if petitioners were permitted to bring forward their claim session after session, when they had already been rejected, they might be wholly employed in the business. In order to bring the question before the house, he proposed a resolution to the following effect :

“ *Resolved*, That a committee be appointed to inquire whether any, and if any, what further rules are necessary to

be adopted by this house, and added to the standing rules of the house."

Ayes 31.

Noes 24.

Messieurs Muhlenberg, Baldwin and Henderson were appointed a committee pursuant thereto.

The house then, according to the order of the day, took up the report of the committee of the whole, to whom was referred the report of the committee of ways and means on the state debts.

The first resolution was read as follows,

Resolved, by the senate and house of representatives of the United States of America in Congress assembled, That the President of the United States be requested to give information to the several states who were, by the commissioners appointed to settle accounts between the United States and the individual states, found indebted to the United States, of the several sums in which they were so found indebted, accompanying such information with a statement of interest from the last day of December 1789, to the 1st day of January 1797, calculated on the same principles on which interest has been allowed and *either funded or* paid on the correspondent sums for which the United States were found, by the said commissioners, indebted to certain states; and with an earnest request that they will cause provision to be made, as speedily as may be, for paying the said sums, respectively, for which they were found indebted by the said commissioners, with interest, into the treasury of the United States.

Mr. GALLATIN moved to amend the resolution, by adding the words, "*either funded or*," printed in *Italic*; which was agreed to.

Mr. BLOUNT called for the yeas and nays on the decision.

Mr. HOLLAND said, before the question was taken, he would beg the indulgence of the house for a few minutes, whilst he shewed his objections to the resolutions before them. In doing this, he said, he felt himself under considerable embarrassment, from a knowledge that the house was pretty much tired of the debate.

He said they had no other evidence of the debts in question, but the report of the commissioners. If he was convinced the debts were just, he should be the last person to object to them; but when he considered the circumstances attending the report, and the way in which it was brought about, he very much doubted the justice of it. It might be re-

ed, that the commissioners were from states which would be gainers by the settlement, all of them being creditors.

(The speaker reminded the gentleman that the report was not to be considered as the report of the select committee, but as resolutions agreed to by the committee of the whole.)

Mr. H. said he was speaking of the report of the commissioners. Constant attempts, he said, had been made to keep the principles upon which the commissioners acted out of sight. This seemed to wrap the matter still more in mystery. For what purpose, he asked, were these kept out of sight? If they were proper, they could not suffer by being brought into view. But this, it seemed, could not be done. Even one of the commissioners, he said, was the person who brought forward a resolution to strike out the balances due from the several states. What could this arise from, but from a conviction that the settlement operated unequally?

The circumstances, carried something in them very suspicious; but, when he heard gentlemen say that the creditor states were permitted to reckon state paper depreciated three and four for one, whilst other states were not so admitted, he was still more induced to doubt the truth and justice of the settlement.

The peculiar situation of North-Carolina was such, he said, as must make their debt, at first view, appear unjust. At that time the state had an existing board of army accounts; but, in consequence of a suspicion of some fraud, its proceedings were arrested, and before a second board was formed, this settlement was made. In consequence of which N. Carolina was prevented from bringing forward accounts which she otherwise would have brought forward. This was enough to shew the hardship of the settlement on that state and to justify his vote against the present question.

It had been said that it was too late to bring forward these objections at this time, and that they should have been brought forward earlier to have had any weight. Had they not been brought forward before, this objection might have some weight. But, he asked, if there had not been objections made to the assumption and funding systems, against the admission of the commissioners report on the books of the Treasury? And whether an attempt was not made to have struck out the balances said to be due from the debtor states?

The business had always been taken up in a legislative capacity, and gentlemen made a point of supporting what they conceived to be the interest of their several states. Not a

single member from the creditor states had supported the injustice of the settlement. It might be in consequence of this disposition, that the minority had always been borne down, and, he feared, would then be borne down. Pecuniary considerations seemed to have a strong influence on gentlemen in that house. Every thing last session, he said, gave way to pecuniary considerations. Nothing was heard at that time but the promotion of commerce. In consequence they had entered into the British treaty. They were still actuated by the same desire of pecuniary interest. They were now determined to raise money ; and because it could not be raised from any other source, it must be levied upon sister states. It put him in mind, he said, of a bark wrecked at sea, when all its stores were lost, and some desperate measures were to be taken to save themselves ; but, though the United States might be in considerable pecuniary distress, he trusted they should not adopt the measure now proposed.

Mr. PAGE. The question before you, Sir, appeared to me, when first offered to this house, to be of so delicate a nature that I wished to get rid of it ; and therefore I voted to put off the further consideration of it, until the next session of Congress. I foresaw the loss of time it would occasion now ; and dreaded the altercation and warmth it was calculated to produce, at a time when all possible occasion for altercation and warmth should be avoided. I confess, I thought too, that a postponement of the question till next session would be conciliatory to the debtor states ; prevent unnecessary and ill-timed warmth in them, and be a sufficient notification of the claims of the creditor states. I confess also, Sir, that I thought the debtor states would then come forward and pay their balances ; or, with temper and respect, state their difficulties, as to their ability to pay ; or, their objections to the settlement of their respective accounts. And I am free to declare, that I think it would well become the wisdom and justice of Congress to receive and consider such statements, and to relinquish all claim to a balance due from a sister state, when inability to pay is its apology for non-compliance with the requisition of the law (which I look upon as in fact made by the passing of the act) and to revise the settlement of the commissioners by a committee of a member from every state in the Union, rather than to require of some what is impracticable, and of other states, what they firmly believe it is unjust to demand. The settlement of accounts between the states by the commissioners has been compared to an arbitration between individuals ; but, granting the comparison holds

good in every respect, which I doubt, an honest creditor would surely not object to a re-hearing, or to a new reference, if his debtor declared that he could produce new vouchers for credits, which had not been produced at the first arbitration ; and could prove that there were errors in both the debits and credits to the prejudice of the debtor. But even if an honest creditor could refuse a new hearing, or a second reference to arbitrators, it does not follow that the representatives of sovereign states, confederated for their mutual strength and support, and which by the co-operation of all of them, have been rescued from oppression, and have been enabled to establish their independence, and an happy form of government, under which those representatives are voting, and whose chief duty it is to promote the general welfare. I say it does not follow, that the representatives of such states, so circumstanced, should act like individual merchants and be bound by the same rules of rigid justice, (if it may be so called) as a merchant, whose credit may be destroyed, or his capital in trade injured, were he to abandon the advantage gained by an arbitration in his favor. God forbid, Sir ! that this house should ever treat a sister state, as one merchant is frequently induced to treat another. I would rather this moment agree to give the debtor states credit, on the books of the treasury, as was proposed by the honest and candid member who had been one of the commissioners, to whom the member from New-York (Mr. Gilbert) alluded yesterday than to have agreed to sequester the property of those states in our funds, as has been proposed.

I look upon the business before us, Sir, as part of that unfinished, impracticable business of the old confederation ; and although I believe a requisition for quotas of any sum which may be required of the states for the support of our government and for payment of the principal and interest of the national debt, would be duly respected by the states, yet I fear the one now proposed would be as ineffectual, as under the confederation. I wish therefore to avoid the risk of national authority—the whole balances are not worth the risk of loss of authority over the states ; or of exciting discontent in a single state. Members who make light of the ill will of sister states, were not present when the endearing arguments were used in favor of the assumption of the state debts—pure paternal affection and federal principles led to the vote for paying the debts of the sister states, contracted (as it was said) “in their joint and glorious struggle for their liberties.” I fear, Sir, if

the same argument will not induce this house to consent to make the expenses of all the states in that struggle, a joint expense, it will be said that either federalism and fraternal affection have declined amongst us, and avarice has taken their place ; or, that the assumption of the state debts was intended more to increase the national debt and the funded stock than to diminish the state debts ; and to gain an influence over the states, than to shew them the fraternal regard of Congress.— I agree with the member from Maryland, (Mr. S. Smith) that had the accounts between the states been first settled, the assumption of the balances due would have appeared more intelligible ; but to states which know that their vouchers for large contributions and payments were destroyed by the enemy, for which they could receive no credits, and that the lands they gave to the United States, were more than sufficient to pay all their debts and those of the debtor states together ; I say, to states who know this, and are in this situation, it is not enough to make the statement intelligible to them. As the case stands, it is not very intelligible ; but I can see how it may be made a part of the funding system and assumption and so become intelligible : that is, by emitting stock to the amount of the balances due, and paying it to the creditor states ; making its interest and time of redemption such as Congress may think proper ; and this I had rather do, than have a contest between the debtor and creditor states, as much as I dislike the assumption and funding system. Thinking thus, I shall vote against agreeing to the report of the committee of the whole.

Mr. KITCHELL said, he should not have troubled the house with a single observation, had gentlemen not given an idea of their wish to strike out this balance whether just or unjust. Some states had done more, and some less, he said, during the war, but he thought it extremely unjust for the creditor states to suffer on account of the delinquency of others : he thought the idea of striking off, could be only supported by members from the debtor states : taking it in any form, he contended, it would be very unjust to tax the creditor states while these debts remained unpaid. He thought no fair, just, and honorable person could conceive it proper.

Mr. GALLATIN said, he would make a single observation, which was rather of a personal nature. It had been said that one of the commissioners who was a member of that house had been in favor of striking out the balances due from the debtor states. He believed the gentleman alluded to was

a member from Pennsylvania. Mr. G. said he was not a member of the house at that time, but he had looked into the proceedings of that period, and he found he did not vote on any question on the bill itself. There was one question, however, on which he did vote. It was for an inquiry into the principles upon which the accounts had been settled, and he voted in favour of it. He hoped therefore, they should hear no more objections of this kind.

Mr. GILBERT rose to answer to the observations of the two gentlemen last up, and still supported his assertion, that one of the commissioners had moved to strike out the balances; he did not know whether his name appeared on the journal of the house or not. In answer to the gentleman of Jersey, he would only say, that there not being an application for appeal against this measure before now, did not prove the justice of the debt: they were never asked for it till now.

Mr. KITCHELL again rose and said, he thought the silence of the states heretofore, seemed a good proof of the justice of the settlement. However, he thought as the legislatures had not made application, no attention ought to be paid to individuals.

Mr. WILLIAMS said, if gentlemen would recur to the journals of the house, they would find that the representatives of the debtor states, had uniformly opposed this mode of settlement: but as it had never gone to the state legislature, he thought that a good reason why they had never complained--they never had been applied to.

The question on the above resolution was then taken.

Yeas 57.

Nays 27.

Those who voted in the affirmative, are,

Abraham Baldwin,
Theophilus Bradbury,
Samuel J. Cabell,
Gabriel Christie,
Thomas Claiborne,
John Clopton,
Joshua Coit,
James Davenport,
Henry Dearborn,
George Dent,
George Ege,
Abiel Foster,
Dwight Foster,
Nathaniel Freeman, jun.
Albert Gallatin,

Nicholas Gilman,
Francis Malbone,
John Milledge,
Andrew Moore,
Frederick A. Muhlenberg,
Anthony New,
John Nicholas,
Alexander D. Orr,
Josiah Parker,
Elisha R. Potter,
Francis Preston,
John Reed,
John Richards,
Samuel Sewall,
John S. Sherburne,

Jeremiah Smith,
Chauncey Goodrich,
Christopher Greenup,
Andrew Gregg,
Roger Grifwold,
George Hancock,
Carter B. Harrison,
Thomas Hartley,
Thomas Henderson,
Aaron Kitchell,
John Wilkes Kittera,
Samuel Lyman,
Samuel Maclay,
James Madifon,

Nathaniel Smith,
Israel Smith,
Isaac Smith,
Samuel Smith,
Wm. Smith,
Richard Sprigg, jun.
John Swanwick,
Zephaniah Swift,
George Thatcher,
Richard Thomas,
Joseph B. Varnum,
Abraham Venable, and
Peleg Wadsworth.

Those who voted in the negative, are,

Fisher Ames,
Theodorus Bailey,
David Bard,
Thomas Blount,
Demsey Burges,
Wm. Cooper,
Wm. Craik,
Jesse Franklin,
Ezekiel Gilbert,
James Gillespie,
Henry Glen,
Wm. B. Grove,
John Hathorn,
Jonathan N. Havens,

Wm. Hindman,
James Holland,
George Jackson,
Edward Livingston,
Matthew Locke,
Wm. Lyman,
Nathaniel Macon,
Wm. Vans Murray,
John Page,
Wm. Strudwick,
John E. Van Allen,
Philip Van Cortlandt, and
John Williams.

The second resolution then came under consideration which reads thus,

“ Resolved, That payment of the said sums, respectively found due from the said states, by the said commissioners, with interest thereon at 4 per cent. per ann. from the last day of December, 1789, to the first day of January 1795, may be received in any of the 6, 3 per cent. stock, or deferred stock of the United States, in the same proportions as the United States have paid and allowed for the correspondent sums in which they were found indebted to certain states, by the report of the said commissioners.”

Mr. COIT moved to add to this resolution the words printed in Roman. The resolution as amended was then agreed to.

It was ordered that the clerk do carry these resolutions as amended to the senate, and desire their concurrence.

Mr. KITCHELL wished to move an additional resolution, to the same effect with one which had already been negativ-

ed, and upon the decision of which he should call for the yeas and nays. It appeared to him just that the balances should be paid, and he should think himself inexcusable were he to omit any opportunity of endeavouring to get the money.— He himself had entertained no doubt but the state of New-York, as well as the other states, would have paid their debt, until the members from that state had said she would not pay. If this was their opinion, he thought the house would act an unwise part, and it would be said they were spending their time in vain, if they did not use means to get the money. He therefore moved a resolution to the following effect :

“ *Resolved* by the senate and house of representatives, that all transfers of debt of the United States in the books of the treasury, by any of the states indebted to the United States, on a settlement made by the commissioners appointed for that purpose, or any person holding the debts of the said states, to the amount of their respective balances, be *prohibited*, until the payment of the balances of the said states respectively.”

Mr. COOPER hoped the question would be taken, without debate. He thought it too disgraceful to be discussed.

Mr. HENDERSON wished to amend the motion by striking out the word *prohibited*, and to insert “suspended till further order of Congress.”

Mr. KITCHELL had no objection to the amendment.

Mr. VENABLE suggested whether it would not be proper to pass a law on the occasion. As there was a law making the stock transferable, he believed it was necessary to have a law to repeal it. He believed a resolution would not repeal a law.

Mr. NICHOLAS never heard before, that a resolution was incompetent to its object : it went through all the forms of a law, as the President must approve of it. However, if gentlemen thought it ought to be postponed and carried through a more formal process, he should not object, but he thought this quite competent : all that was requisite to make it perfectly effectual he thought was included in the resolution, without spending the time the other procedure would take.

Mr. WILLIAMS said, in some things it may not be necessary to proceed by that form ; but he thought in a thing of so much importance as this, it ought to go through the house in the form of a bill, first brought in and received its second and third reading. And if it was not so done, he thought it would not have the same operation as a law.

Mr. HARTLEY hoped a question would be taken upon the resolution as offered: another resolution may then be added, directing a committee to bring in a bill conformable to it. He hoped it would not go on in this extraordinary way, so much opposed to the moderate measures which had marked their proceeding, but take the question as it is at present.

Mr. PAGE said, that he thought such a motion highly improper, not only as it had been rejected by the house, as improper to be submitted to the consideration of the committee of the whole, on account of its mischievous tendency; and also as it had been rejected by a large majority of that committee to which it was proposed, notwithstanding the refusal of the house to refer it; but because it certainly was, as it had been represented in the debates on those occasions, an indelicate and irritating measure, an insult to the debtor states, and at the same time injurious to public faith, and the credit of the funds. He thought the motion out of order, or, if not contrary to the written orders of the house, it appeared to him to be contrary to a rule which ought to be immutable, and written on every member's heart. I mean, said Mr. Page, a regard for propriety and decency; a regard to which in my opinion, should lead members to acquiesce in the rejection of their motions, under such circumstances as have occurred on the present occasion. Independent of this consideration, he thought that the amendment proposed so materially altered the original resolution, and was so calculated to produce warm and tedious debates in the house, and to excite resentment in the debtor states, and was also so absolutely unnecessary to be agreed to at this time, that he hoped the question would not now be put, and to prevent it he moved for the previous question.

Mr. KITCHELL said, he took it for granted, that he went no farther than perfectly accorded with the rules of the house, for which he appealed to the chair. The speaker informed the member, that it was consistent with order.

The previous question was then called for, to wit; "shall the main question to agree to the said resolution be now put?"

And on the previous question, "shall the main question be now put?" It passed in the negative.

Yeas 23.

Nays 62.

Those who voted in the affirmative, are,

Theodorus Bailey,
 Abraham Baldwin,
 Thomas Blount,
 Demsey Burges,
 Gabriel Christie,
 Thomas Claiborne,
 John Clopton,
 Henry Dearborn,
 Nathaniel Freeman, jun.
 Albert Gallatin,
 George Hancock,
 Thomas Hartley,

Jonathan N. Havens,
 Thomas Henderfon,
 Aaron Kitchell,
 John Wilkes Kittera,
 Andrew Moore,
 John Nicholas,
 Alexander D. Orr,
 John Richards,
 John Swanwick,
 Abraham Venable, and
 Joseph B. Varnum.

Those who voted in the negative, are,

Fisher Ames,
 Theophilus Bradbury,
 Daniel Buck,
 Samuel J. Cabell,
 Joshua Coit,
 Isaac Coles,
 Wm. Cooper,
 Wm. Craik,
 Samuel W. Dana,
 James Davenport,
 George Dent,
 George Ege,
 Abiel Foster,
 Dwight Foster,
 Jesse Franklin,
 Ezekiel Gilbert,
 James Gillespie,
 Nicholas Gilman,
 Henry Glen,
 Chauncey Goodrich,
 Christopher Greenup,
 Roger Grifwold,
 Wm. B. Grove,
 Robert Goodloe Harper,
 Carter B. Harrison,
 John Hathorn,
 Wm. Hindman,
 James Holland,
 Andrew Jackson,
 George Jackson,
 Edward Livingston,

Matthew Locke,
 Samuel Lyman,
 Samuel Maclay,
 Nathaniel Macon,
 James Madison,
 Francis Malbone,
 John Milledge,
 Frederick A. Muhlenberg,
 Wm. Vans Murray,
 Anthony New,
 John Page,
 Josiah Parker,
 Elisha R. Potter,
 Francis Preston,
 John Reed,
 Samuel Sewall,
 John S. Sherburne,
 Nathaniel Smith,
 Israel Smith,
 Isaac Smith,
 Samuel Smith,
 Wm. Smith,
 Richard Sprigg, jun.
 Wm. Strudwick,
 Zephaniah Swift,
 George Thatcher,
 Richard Thomas,
 John E. Van Allen,
 Peleg Wadsworth,
 Philip Van Cortlandt, and
 John Williams.

In order to obtain a better acquaintance with the subject of the foregoing debate the reader is referred to the annexed statement from the pen of Mr. Gallatin, which is doubtless correct.

Mr. MADISON called up the report of the secretary at war, on the petition of Monsieur Poirey, formerly secretary and aid-de-camp to the Marquis de la Fayette.

The report is dated the 5th of April, 1796. It states that the petitioner may have performed the duties of aid-de-camp to the Marquis, but it is not certain whether he was only a supernumerary aid. His exact services cannot be precisely defined, without access could be had to the general orders issued by the commander in chief, and Major-General la Fayette. It appears that Mr. Poirey never received pay, as secretary, or aid-de-camp. As to his pay in the former capacity, two resolutions of Congress, dated June 17, 1777, stipulate the one, that the pay of a secretary to a brigadier-general in a separate command, is to be fifty dollars per month; and the other, that the pay of the secretary of the commander in chief in the northern department, be sixty dollars per month.

Supposing Mr. Poirey to come under this description, the objections are a tacit waiver of it, as stated in his petition, and the act of limitations. Both exclude the petitioner. But the secretary at war hints, that perhaps he may be more favorably looked upon, as he waived claiming his pay when it might have been had. He only recurred to it, when misfortune and distress made the application a duty. He was beyond sea when the act of limitation passed, and probably knew nothing about it.

Mr. Madison moved that a bill should be brought in. It was objected by Mr. Macon, that this gentleman by a refusal of his claim, would be in no worse situation than *hundreds of old soldiers*, who had petitioned the house without having known any thing about the statute of limitations. They had been refused, and on the same ground so should this petition be.

The report was referred to a committee of the whole house, and made the order of the day for to-morrow.

Mr. S. SMITH proposed the following resolution to the house :

“ Resolved, That a committee be appointed to inquire whether any, and what amendments may be necessary in the

S T A T E M E N T

Relative to the assumption of the State Debts.

States.	Federal number of inhabitants of the several States.	Sums assumed by the Union in State debts of the respective States.	Balances found for and against the several States by the commissioners appointed to settle the accounts.		Proportion of each State of the aggregate of the balances due to certain States and funded in their favor by the Union.	Balances now due to and from the several States, by reason of the balances found due to certain States by the commissioners, having been funded.		Proportion of each State of the aggregate sum assumed by the Union in State debts.	Balances which would have been found due to and from the several States, by the commissioners, had no assumption of State debts taken place before the settlement of accounts.		Sums in State debts, which had no assumption taken place before the settlement of accounts, it would have been necessary to assume in order to render the aggregate of the ultimate balance due to and from the several States equal to the aggregate of the balances now due to and from the several States.	Proportion of each State of the aggregate sum which would have been necessary to assume per the preceding column.		Ultimate balances which would have been due to and from the several States, had no assumption taken place before the settlement of accounts, but had the sums mentioned, in the last column but one, been respectively assumed for certain States, after the settlement of accounts.	Sums to be respectively deducted from the sums originally assumed for each State; supposing the interest accrued during 1790 & 1791, according to the supposition of the preceding column.	Proportion of each State of the aggregate of the sums to be deducted from the original assumption of the State debts, according to the supposition of the preceding column.	Balances which would have been found for and against the several States, supposing the interest accrued during 1790 and 1791, upon the State debts originally assumed for the said States had not been charged to the said States in the settlement of accounts.		
			In favor of States.	Against States.		Due to	Due by		In favor of	Against		Due to	Due by						
																	Numbers.	Dis.	Cts.
	Tenths.																		
New-Hampshire, -	141,821 8	282,595 51	75,053			141,207 34	141,207 34			734,008 85			376,358 34						
Massachusetts, -	475,327 0	3,981,733 05	1,248,801			473,602 76	473,602 76			2,460,088 81	2,770,445 24			1,563,055 00	489,920 50	398,173 31	2,600,88 88	1,400,965 43	
Rhode-Island, -	68,445 8	200,000 00	299,611			68,197 51	68,197 51			354,240 12	145,304 88			225,075 69	70,518 10	20,000 00	35,424 61	284,186 39	
Connecticut, -	236,840 4	1,600,000 00	619,121			235,981 27	235,981 27			1,225,794 39	993,336 61			778,820 87	244,114 90	160,000 00	122,518 44	650,342 56	
New-York, -	551,590 4	1,185,716 69		2,674,846		330,387 56		1,744,458 44		1,671,169 38		2,607,299 09		1,090,394 72		1,516,904 37	118,311 47	171,616 08	2,128,091 31
New-Jersey, -	179,569 8	695,202 70	49,030			178,918 42	178,918 42			929,376 72		185,143 65	220,264 60	592,493 46	185,025 24	69,120 27	92,977 63	25,612 64	
Pennsylvania, -	432,878 2	777,682 49		76,709		431,207 95	354,598 95			2,240,392 02		1,539,117 54		1,423,467 35		115,650 19	77,798 35	244,039 20	222,949 85
Delaware, -	55,539 2	59,161 65		612,428		55,337 73		537,090 27		287,447 00		840,712 44		591,623 91		658,078 53	59,162 26	28,744 71	625,256 45
Maryland, -	278,511 6	517,191 08		151,640		277,503 30	123,863 30			1,441,467 01		1,075,615 93		915,858 12		159,757 61	51,709 11	143,146 70	244,037 59
Virginia & Kentucky, -	699,264 2	2,934,416 00		100,730		696,727 04	595,848 64			3,619,091 77		785,554 77		2,299,445 32	720,741 94	293,421 60	301,029 18	169,346 58	
North-Carolina, -	353,522 2	1,793,801 85		501,082		352,239 81		148,842 19		1,829,679 38		530,957 53		1,162,514 74	304,350 56	179,370 39	182,967 94	504,669 51	
South-Carolina, -	206,235 4	3,909,651 72	1,205,978			205,487 29	205,487 29			1,067,386 03	4,138,243 70			678,180 08	212,569 88	399,905 17	120,738 60		
Georgia, -	70,842 4	246,030 72	19,988			70,585 42				366,649 00		100,631 17		232,956 62	73,018 31	24,601 37	36,664 00		
Total, -	3,530,390 4	18,271,787 47	3,517,584	3,517,584	3,517,584 00	2,450,390 90	2,450,390 90	18,271,787 47	8,047,390 43	18,047,390 43	11,609,259 69	11,609,259 69	11,609,259 69	2,450,390 50	2,450,390 90	1,827,178 78	1,827,178 78	3,904,331 33	3,904,331 33

act to ascertain and fix the military establishment of the United States."

Messrs. S. Smith, Hartley, Parker, Van Cortlandt, and Dearborn were appointed a committee pursuant to the same.

Mr. Gallatin proposed the following resolution to the house :

" Resolved, That a committee be appointed to inquire into the progress made in carrying into effect the act providing for the sale of the lands of the United States in the territory north west of the river Ohio, and above the mouth of Kentucky river, and also whether any, and if any, what alterations are necessary in the same."

Messieurs Nicholas, N. Smith, Bard, A. Jackson, and Strudwick were appointed a committee pursuant thereto.

A petition of the widow of the late Scolacuttaw, or Hanging Maw, one of the chiefs of the Cherokee nation of Indians, was presented to the house and read, praying relief, in consideration of losses and injuries sustained in her person and property, by a party of armed men, under the command of Captain John Beard, some time in the year one thousand seven hundred and ninety-three.

Motion was made to refer this petition to the committee of claims, which was carried. Another motion was made to instruct the committee to report speedily ; the reason urged was, that this woman waited in town only for the result of this petition. Mr. Macon, and Mr. D. Foster, members of that committee observed that they had many claims unreported on in hand, and if this was given a preference to, it would introduce a bad precedent, and cause complaint from petitioners who had been long waiting : and they could see no reason there was to give this the preference. The question was taken whether the instruction should be given, and lost.

Mr. HENDERSON called up the order of the day on the claim of John Cleves Symmes.

Mr. GALLATIN wished, if in order, it may be referred to a select committee. He observed there were a number of papers relative to it which were necessary to be examined ; that the attorney general did not give all the information that was necessary on the subject, he would therefore move that the committee of the whole be discharged from the consideration of it, in order to recommit it, as he wished it to be brought to a proper issue.

Mr. KITCHELL did not know he should object to this proposition, but observed that last session it was referred to a select committee ; after setting on it some time, it was referred to the attorney general ;--now referred to a committee of the whole, and proposed to be recommitted. He thought this might be saved, if gentlemen would give themselves the trouble to examine the papers.

After some observations from Messieurs Henderson and Gilbert, it was referred to Messieurs Gallatin, Venable, Havens, Ames and Sherburne, to examine and report thereon.

Mr. SPRIGG said, that two or three years ago a petition had been presented by Lieutenant John Carr, which had been reported but not acted upon. He moved that it be committed to a committee of the whole. It was made the order for Tuesday.

Mr. HENDERSON called for the order of the day on the report of the committee of February 12th, 1796, to whom was referred the memorial of Nicholas J. Roosevelt, and Jacob Mark.

Mr. Coit in the chair.

The following report of the select committee was read, viz :

“ That the said memorialists having procured from the mining countries in Europe, a number of men, well skilled in the arts of mineralogy and metallurgy, have them now in the United States, either connected with, or employed by them.

“ That, by their means, they offer to explore the territory of the United States, for mines of metals, semi-metals, and all other minerals ; provided a reasonable time be allowed them to make the search, and the right of working the mines, when discovered, be exclusively vested in them, for a sufficient period ; they rendering a proper proportion of the gross product to the United States.

“ The committee are of opinion, that their offers merit the attention and encouragement of Congress : the general use of all metals, and of most minerals, rendering it a very desirable object to possess them within our own limits. Appearances, too, as your committee are informed, justify the opinion, that many valuable mines do exist within the territory of the United States, which can only be rendered useful, by that skill and knowledge of the subject, which the peculiar circumstances of Europe enable the memorialists to offer.

“ Your committee, therefore, recommend the following resolutions :

“ Resolved, That a right be granted to Nicholas Roosevelt and Jacob Mark, and their associates, during the term of _____ years, to enter upon any of the waste lands in the territory of the United States, the Indian title whereof is extinguished, to search and explore the same, for mines of metals, semi-metals, and all other minerals.

“ Resolved, That the right of working all such mines as shall be discovered by the said Nicholas Roosevelt and Jacob Mark, and their associates, shall be vested in them, for the term of _____ years; they rendering an equitable proportion of the gross product of such mines to the United States.”

Mr. SWIFT objected to the report, as making a grant without a valuable consideration. To make a grant of this kind, he said, would embarrass the property of the U. States. To allow such persons to search for mines and erect machines for working them, would greatly lessen the value of our lands. He hoped, therefore, the report would be disagreed to.

Mr. HENDERSON believed the gentleman from Connecticut had not attended sufficiently to the resolution before the committee, when he asserted that it proposed to make a grant without consideration, as it was there said that they were to render a certain portion of the proceeds to the U. States; so that if the business was profitable to them, it would be so to the United States. The consideration, he said, embraced two objects of public improvement worthy the attention of government. It would make us independent of foreign nations for the more precious and useful metals. If these metals, said he, lie entombed in the bowels of the earth, they are of no use to any one. This provision, he said, would encourage individuals to search and explore for these metals, and might eventually be productive to the revenue of the United States. In several parts of Europe, he believed, mines were of great value to the revenue. He was of opinion there were valuable mines in the United States, and an opportunity now offered of exploring them without expense to the Union. He saw no inconvenience that would arise from this, and several advantages. To go into a detail of the business was not necessary at present. The principle alone was what they had to determine upon. There might be exceptions made. He believed there ought to be some of the more common articles reserved; but he believed the more precious metals should be left to be explored by adventurous individuals. Instead of embarrassing our territory, he believed it would be a means

of promoting settlement, as wherever metals were found, population would take place, and the land would be increased in value. And it need not embarrass the sale, because the property of the metals might be sold with the land, if desired. Government, he said, would run no risk, would be at no expense, and the revenues would probably be increased.

Mr. GALLATIN thought such a principle would not have been supported. He hoped they should have allowed our own citizens to have found out our metals. To give a privilege to persons to work mines, and to enter upon any of our land, on such terms, would be a most extraordinary policy. The natural consequence would be the enhancement of the price of metal. He trusted the report would be disagreed to.

Mr. MACON said, that such a measure would give a monopoly of all the mines of the United States. The best policy, he believed, in all such cases, was to leave the business to the industry of our citizens. He believed they would work the mines, if it was their interest to do so; if it was not, he did not wish to offer them an inducement to do it.

Mr. HENDERSON did not wish the business to be confined to one set of adventurers. He would rather wish to encourage adventurers. It was meant only that when these persons found the mines, they should have the exclusive privilege of working them for a certain term.

The report was disagreed to, the committee rose, and the house confirmed the disagreement.

The petition of John White late inspector of the port of Philadelphia, presented the 23d March last, was referred to the committee of claims.

Adjourned.

Friday, January 6.

A petition of Richard R. Saltonstall, of New-London, in the state of Connecticut, was presented to the house and read, praying to be indemnified for certain losses and expenses which he has incurred in attempting to establish a manufactory of Sumach, within the United States; and that Congress will extend the patent which he has obtained for that purpose, the better to protect him against interfering pretenders to the same invention; or grant him other relief.

Ordered, That the said petition be referred to the committee of commerce and manufactures.

Mr. DWIGHT FOSTER, from the committee of claims, to whom was referred the petition of Amy Dardin, made a report, which was read, and ordered to lie on the table.

Ordered, That the report of the committee of commerce and manufactures, of the 14th of May last, to whom were referred a letter and report of the secretary of the treasury, on the memorial of sundry merchants of the city of Philadelphia, be re-committed to the same committee.

On motion of Mr. D. Foster, the house went into a committee of the whole, on the report of the committee of claims, on December 24th, 1795, on a return from the accountant of the treasury, on certain claims not admitted to be valid, Mr. Coit in the chair. This report classed the claims under different heads, and the committee of claims recommended an agreement to the whole, except the eleventh class, which included the petition of John T. Gilman, who prayed for compensation as a commissioner for endorsing new emission money, issued by Congress in March 1780, which they recommended to be disagreed to, believing him to be entitled to his claim.

After some observations, chiefly urging the impropriety of deciding upon these claims in a mass, instead of individually; in order to obtain papers which were called for, and which were in the auditor's office, the committee rose, and obtained leave to sit again.

Mr. HARPER called up the resolution which he laid upon the table the other day, calling for certain statements from the treasury department, relative to the revenues of the United States, within ten days after the meeting of each session.

Mr. GALLATIN wished the gentleman from South-Carolina would amend his resolution, by adding a request for like statements for this session. As it might be alledged the notice was short, and complete statements could not be made out, it might be said, "such statements as could be conveniently furnished."

Mr. Harper said he thought of making a seperate resolution for the purpose the gentleman had mentioned; but, on inquiry at the treasury office, and finding that such information had not been received there, as would enable him to furnish such a return, he declined it. This arose, he said, from the former order on this subject having been only temporary, and the officers in different parts of the Union, not having instructions to forward the statements required.—Agreed.

Mr. CHRISTIE called for the order of the day, on the re-

port of the committee of claims, on the petition of Robert Harris. The petition was unfavorable to the petitioner.

Mr. Coit in the chair.

The petitioner, it appears, was a Captain of what was called the Flying Camp, in Maryland, during the late war. He raised his own company in 1776. In December 1777, owing to the fatigues of the service, his health was impaired, and he left the service and went over to the West-Indies, for the benefit of his health. Before he went, it was said, (though it did not appear in evidence) he applied to the pay-master of the army for his pay, but was only able to get two months pay out of eleven, which was due. When he returned from the West-Indies in the year 1780, he applied to the treasury for payment, for the remaining nine months, when, instead of three hundred and sixty dollars, he was offered sixteen only, which was the amount due, reckoning upon the scale of depreciation about which had taken place in his absence. This he refused to receive, and appeals to the justice of Congress for relief.

The following is part of the report of the committee of claims :

“ As very many, indeed nearly all the officers and privates, under similar circumstances, have received their wages, by the rule established, as aforesaid ; and as Captain Harris shews no reason why he did not receive his money from the paymaster, the committee think it would be inexpedient to establish a new rule, at this time ; and are therefore of opinion, his memorial ought not to be granted, and that he have leave to withdraw the same.”

Mr. CHRISTIE said, that as the house were so much in the habit of agreeing to reports from the committee of claims, he despaired of making them disagree to this report. It was however a gross trick. The money was received back at its full worth at the treasury.

Mr. FOSTER contended that after the money was given to the paymaster, currency was in a constant state of depreciation. Whose was the money after it went into the hand of the pay-master ? It was that of Captain Harris, and he might at any time have received it ; Captain Harris did not call for it until it was sunk very low, and were the United States to suffer for his negligence in not calling ? He presumed not. It was returned to the treasury, and sunk in value before he came for it.

Mr. DEARBORN said, that it was common for officers to receive money at a depreciated rate. And the paymaster not having money in hand, they had often been obliged to wait six or twelve months, and he could see no reason for making this depreciation more than others. It would be endless to go into all cases. Mr. Harris might have received his money at any time for two years. Mr. D. could not see why he should get the money at any higher rate than what was current at the time when he called for it.

Mr. CRAIK wished to know, if Captain Harris had applied for his money to the paymaster, and at what time? Mr. D. Foster answered, it was impossible to know whether he did apply or not: he only knew, which he thought sufficient, that he might have received the money.

Mr. CHRISTIE said, that Captain Harris informed him that he did apply to the paymaster when he left the service and could get only two months of pay out of eleven months. He said that Mr. Dearborn knew well enough of its being possible to call on a paymaster without getting money. When he left the service, he could get no more than the pay for two months.

Mr. SAMUEL SMITH said that Captain Harris resigned on the 9th of November, 1777. He soon after went to the W. Indies. On coming back to the United States, he found that the money had been returned whole and sound to the treasury, it had suffered no loss. The petitioner was not barred by the act of limitations, and as no possible injury could be sustained by the United States paying it, as they had received it in full, it was just, it should be paid. There was no other case like this.

Mr. MACON said, that this would be like many other stories. There would never be any thing like it, till the petition was granted. Last year there was a petition about the North Western territory. The prayer was granted, and soon after the table was covered with petitions. Captain Harris went out of the country, and it was his own fault he did not make application in time: the consequences would be very great if the depreciation was to be made up to this man.

Mr. LYMAN said, that there was a harder case than this in Massachusetts. Two paymasters ran away with 40,000 dollars. They were elected by the officers of the troops. The paymasters are elected intirely by the officers, and it was doubtful if privates were bound by this election. Yet Con-

gress refused to indemnify them, and Capt. Harris's situation, whether he applied or not, could not be so hard as these men, who were never paid. If the house attended to this he hoped in justice they would take up all others, on their application to that effect.

Mr. DEARBORN replied. He said, that when Capt. H. applied, the paymaster had no more than the 2 months pay in his hand. He might probably have received the money in full in 2 or 3 months, but did not apply : then the question was whether after staying some years, and the money was then very much depreciated, he or the United States was to lose by that depreciation ?

Mr. S. SMITH said, that if the money had remained in the hands of the paymaster, the petitioner must have been responsible for the depreciation. But while the money was gold and silver, the paymaster like an honest man returned it to the treasury. The United States had committed themselves by re-accepting it. They had no title to take advantage of the depreciation ; they received the identical money, and ought to have paid it. He knew not whether this was law, but he knew it was equity and justice.

Mr. CHRISTIE said, that Mr. Lyman had called that a much harder case in Massachusetts than Capt. Harris's. The paymasters ran away. What odds did it make to the petitioner, when the United States ran away with the money, whether it was by a paymaster or otherwise, that he lost the money. The money was paid back while it was good money. It was a bona fide debt. He did not know if the petition was agreeable to law, but he knew it to consist with equity. Every man in the house knew that Capt. Harris had not received justice.

Mr. SWANWICK spoke a few words in favor of the petition. He thought it exceedingly improper to charge a depreciation to this man when they received back into their treasury the full money ; this he thought an unfair advantage. Had motives of policy prevailed, great advantages of this kind, he presumed, might have been obtained. The government, and not Capt. H. ought to have had the depreciation. It was a very hard case.

Mr. KITTERA objected against it. If this were the only solitary case where valuable officers had not received their rights, he should vote for it, but he knew very many accounts had been settled upon the same principle. That he had been present last winter, when a petition came in, that was said to be

on a singular case. Presently, on its success, many others followed it, and he thought the same dangerous tendency would naturally occur, were they to grant this.

Mr. CHRISTIE said, that he had made every inquiry at the war-office that could be made. Major Howell had made repeated inquiries, and could not find a single case in the same situation.

The committee agreed to the report. They rose; the house agreed to the report of the committee of the whole: thus the petition is negatived.

Mr. MALBONE moved, that so much of the report of the committee of unfinished business as relates to the report of the committee of claims on the petition of Samuel Fowler and others should be recommitted to the committee of claims.—Agreed.

Mr. W. SMITH said, he wished to lay a resolution on the table, respecting an alteration in the constitution; it was in that part of it which directed the electors of a President and Vice President to vote for two persons, one of whom should be President and the other Vice-President. It had been discovered, that great inconveniencies might arise from this mode of election. Gentlemen must be satisfied that it could not answer the end intended, viz. to carry into effect the real intention of the electors. He believed there could be no objection, therefore, to the alteration which he was about to propose, as it went only to authorise electors to designate whom they meant to be President and whom Vice-President. Mr. Smith thought this a proper time for bringing forward this amendment, for two reasons, because the matter was fresh in people's minds, and because it was right to do it at a period the most remote from an election, in order that the states might have time to ratify the amendment before an election might be near at hand; because, if postponed till near the time of an election, the uncertainty of its being ratified, would have a disagreeable effect. He would, for this purpose, propose a resolution to the following effect.

“Resolved, That the third clause of the first section of the second article of the constitution of the United States, ought to be amended in such manner, as that the electors of a President and Vice-President, be directed to designate whom they vote for as President, and for whom as Vice-President; and that the said amendment be proposed to the different state legislatures for their concurrence, in order that

it may become part of the constitution of the United States.”

It was ordered to be printed. Adjourned.

The following is the report from the mint establishment which the speaker laid before the house, December 20.

Department of State, December 19, 1796.

S I R,

BY the direction of the President of the United States, I have the honor to inclose a report of the director of the mint, suggesting the expediency of some alterations in its establishment, to render it less expensive to the public, and more accommodating to depositors. The report is accompanied with statements of the gold, silver, and copper coins, issued from the mint, from its commencement to the 24th of the last month, accounts of the gold and silver bullion, which has been deposited, and an account of wastage, and a deficit in the silver coinage, which require an appropriation of two thousand eight hundred and twenty dollars and seventy-one cents, to reimburse depositors.

I am, with great respect, Sir,

Your most obedient Servant,

TIMOTHY PICKERING.

*The Speaker of the house of
Representatives of the
United States.*

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Mint of the United States, Nov. 29, 1796.

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I HAVE the honor of inclosing for the President of the United States, my annual report on the state of the mint, with the abstracts referred to therein.

With sentiments of esteem and respect,

I remain, Sir,

Your most obedient, and very

Humble servant,

ELIAS BOUDINOT.

To the Secretary of State.

The director of the mint of the United States, respectfully reports to the President of the United States on the state of the mint :

That during the experience of twelve months, he has turned his attention (as far as has been in his power) to the institution under his care. He has seen with regret an opinion generally prevailing, that the establishment is unnecessarily expensive, and less productive than was rationally expected by its advocates and friends.

The director finding some foundation for the charge, has endeavoured to discover the cause, as nothing appears in the general nature of the institution, to warrant the idea.

The issue of the inquiry is, that the extraordinary expenses attending the mint, are in a great measure, owing to its original plan and the principles on which it was established. Among others, the whole coinage, including the refinement of the precious metals, was directed by law to be executed at the public expense, the depositor being fully indemnified from all charges whatever : on this principle, not only the original cost of the works, and the salaries of the stated officers, fall on the public ; but also the whole amount of the workmanship, with the alloy, wastage and contingent losses.

The want of experimental knowledge in the business, at the first establishment of the mint, prevented any tolerable precise estimate of the expenses necessarily attending the process ; but soon after the commencement of the business, it was found impracticable to proceed with propriety, unless an addition was made to the establishment by the appointment of a melter and refiner.

This important and necessary officer, is not known in foreign mints, as the precious metals are there generally deposited of the proper standard, or above it ; or they are purchased by the mint, and become public property ; there being professional refiners independent of the mints, whose business it is to purify metals under standard ; but there being no such artists in this city, who follow the business, it became indispensibly necessary to execute this service in the mint.

This circumstance was not foreseen, or if foreseen, was considered as included in the duties of the assayer ; but the necessity of so essential a check on that officer, forbade this measure, had it been otherwise practicable. This added considerably to the annual expenses of the mint.

Formerly the director could not make any charge for this process, against depositors; the whole expense therefore fell

on the public. Thus on assaying one deposit of about 96,000 oz. of silver bullion, it turned out near 24,000 oz. under standard ; to refine which, it cost the United States upwards of 500l. so that the depositor really gained that sum, by bringing his bullion to the mint. This operated very unequally among depositors. The citizen who brought bullion in this debased state to the mint, received as much coin for the standard silver therein, as he whose bullion was previously refined equal to the standard, and ready for coining at a very trifling expense.

Again, the institution of the mint, without any appropriation of capital, either to purchase the precious metals in bullion, anticipate payments due on deposits, or to coin for the public, has been another cause of very considerable expense. Depending upon depositors alone for the precious metals, it became necessary for their encouragement and satisfaction to coin every deposit as soon as possible after it came into the treasury of the mint, to prevent its remaining unproductive to the depositor ; by which means the clippings and gains were obliged to be melted and coined as they arose, often three or four times for one deposit.

Thus the melting, refining and coining a deposit of 200 oz. of silver, or 20 oz. of gold, would cost the public nearly as much as 1000 oz. of either, and a much greater proportional wastage ; whereas could the bullion be purchased for the public at the market price, and kept in the vaults till a large quantity might be coined at once, or a capital of about ten thousand dollars be allowed to the mint, so as to anticipate the payments to depositors, without being obliged to an immediate coinage on every occasion, a very great public saving would take place, not only as to the wastage, but in the expenditure of the materials and labour used in the process, and no injury done to the United States, but in the loan of the money for a short time. In a word, the difference would be much the same, as between the wholesale merchant and the huckster.

This measure would also have a tendency to fix the price of bullion, and indemnify the public for some part of the expense of coinage. The only question that would arise is, whether, on the principle of political economy, it would be a prudent measure on the part of government ? Suppose the expenses of coinage, including wastage, to be fixed at three per centum to the depositor, while in foreign countries it costs nothing. The consequence would be, that bullion in Ame-

rica, might vary its price three per cent. according to the balance of trade ; while bullion in those countries must be supposed invariable in its price, let the balance of trade stand as it will. Bullion then, in those countries will always be at the highest price it ever can be at in America, since it is the price of coin ; but in America it may be three per cent. lower. If therefore, the United States, by coining, free of all expense, contribute to keep the price of bullion higher than it is in countries where the coinage is paid for, a voluntary expense is created of which there can be no just reason to complain.

A representation of some of these difficulties, which the dangerous situation of the mint, for want of protecting laws to secure the instruments of coinage, the metals and the coin, as also to prevent counterfeits, has been heretofore made by the officers of the mint, with but little other success, than a resolution of Congress, enabling the director to retain the expense of refining the precious metals under standard ; but the wastage, alloy and coinage, are still dead charges on the public treasury.

While therefore this policy, on the whole, is considered as beneficial to the United States, the complaints against the mint for its heavy expenses to the public, are without solid foundation, as it is impossible to carry on an institution of this nature, under these circumstances, and which requires from 15 to 20 workmen and labourers to attend it, without great expense. Add to this, that the alloy of silver and copper, with the loss by necessary wastage, must unavoidably rise to a considerable annual amount.

But notwithstanding these and other difficulties attending an infant institution, especially the late great advance in the prices of materials and labour, the aggregate expenses of the mint are greatly reduced, either from the superior knowledge of the persons employed, gained by experience, or from new arrangements found to be more advantageous than those made on the spur of the occasion. This will appear more evident, by a review of the progressive reduction of the contingent expenses in the quarterly accounts rendered into the treasury department, and it is hoped that there will be a further progress in this desirable economy.

When the present director entered upon the administration of the mint, there was no appropriation of money for the purchase of copper, for the coinage of cents. This he clearly foresaw would prove a source of further expense, by

often leaving the workmen without employ. He made application to Congress by their committee, on this subject ; but all that was obtained was thirteen thousand dollars, which was coined into cents, and returned into the public treasury, or remitted for the purchase of copper, before the rising of Congress the last spring. No further appropriation was made, till it was too late to procure the necessary importation of copper for the summer's coinage, whereby much time has been lost, and some considerable expence of workmen has been added to the summer's account.

It is now hoped, from the present arrangement, no such inconvenience will arise hereafter ; but a continual and ample supply of copper coinage be produced adequate to the public wants.

As the laws relative to the mint now stand, the officers are obliged to pay to each depositor the coins, arising from his deposit, in strict order, and to reserve three pieces of coin from each mass ; yet no appropriation has been made to replace the reserves, or to make good the wastage : it is therefore impossible for the officers of the mint to comply with the law ; and the depositors complain of being kept out of their property, till provision is made by Congress for their relief.

By a number of new half johannes brought to the mint for assaying, said to have been coined in the United States, it appears that a coinage for that purpose is carried on in some state in the Union. Some of these are found to be under standard in their quality, and between two and three penny-weights less than their true weight. These are facts which the director thinks it his duty to communicate to the President.

From the various experiments made since the establishment of the mint, it is found unnecessary to make use of silver in alloying of gold, unless it is for the purpose of beautifying the coin : in which case it should be composed at the proportion of one-third silver to two-thirds copper.

By the following abstract of the bullion and coin received and issued from the mint, since its first establishment, may be seen, as well the nature of the deposits made, as the coins returned to the treasury, and the dates of the receipts and issues to this day, with the amount of the copper coinage.

From this it appears, that there is due for wastage, during that period, the quantity of fifteen hundred and ninety-nine ounces, sixteen penny-weights and fifteen grains of silver, equal to eighteen hundred and forty-five dollars, ninety-five

cents and five mills ; besides a deficit of eight hundred and forty-four ounces, seventeen penny-weights and five grains of silver, equal to nine hundred and seventy-four dollars, seventy-five cents and five mills ; making in the whole two thousand eight hundred and twenty dollars and seventy-one cents : for which an appropriation ought to be made by law, to satisfy a deficient deposit.

The director thinks it necessary to mention, in exculpation of the former officers of the mint, that by a report made on this subject, it appears that there is yet a considerable quantity of old pots and test bottoms, from which it is expected that nearly the amount of the deficient silver, as stated above, will be extracted.

ELIAS BOUDINOT.

Mint of the United States,
29th November, 1796.

Denomination and value of coins, issued from the mint of the United States, from the commencement of the establishment, to Nov. 24, 1796.

GOLD.—8,875 Eagles, 12,106 Half Eagles, 66 Quarter Eagles, value 149,445 Dollars.

SILVER.—272,941 Dollars, 323,144 Half Dollars, 5,894 Quarter Dollars, 22,135 Dismes, 96,646 Half Dismes, Value 443,032 Dollars, 30 Cents.

COPPER.—2,040,733 Cents, 258,014 Half Cents, Value 21,697 Dollars, 40 Cents.

There has been deposited at the mint (for coinage) from the commencement of the establishment to November 24th, 1794—10,670 ounces, 10 penny-weights and 10 grains of gold bullion, gross weight ; being 9,837 ounces and 14 grains, standard weight—and of silver bullion, 416,892 ounces and 18 penny-weights, gross weight ; being 402,502 ounces and 16 penny-weights, standard weight.

Monday, January 9.

Mr. WILLIAMS presented a petition from the postmaster of New-York, praying for an increase of salary. Referred to the committee on the subject of post-offices and post-roads.

Mr. DEARBORN, from the committee to whom it was referred to inquire whether any and what alterations ought to be made by law in the compensation of the officers of the United States, reported it as their opinion, that the salaries of the secretary of war and attorney general should be augmented 500 dollars, and that the salaries of the secretary of state, secretary of the treasury, secretary of war, attorney general, postmaster general, treasurer, comptroller of the treasury, commissioner of the revenue, auditor, register, assistant postmaster, and keeper of military stores should be increased 25 per cent. They also recommended that the act for regulating the compensations allowed to clerks in public offices, passed last session, should be continued for the year 1797, and no longer ; and also that an additional compensation should be allowed to the loan officers of Massachusetts and New-York, of 375 dollars, and 300 dollars to be distributed amongst the clerks in each office ; and that the sum of 120 dollars be allowed amongst the clerks in the loan office of Pennsylvania for the present year. This report was twice read, ordered to be committed to a committee of the whole, and made the order for Thursday.

Mr. DEARBORN, from the committee to whom was re-committed the bill for establishing an uniform militia system throughout the United States, reported a new bill, which was twice read, committed to a committee of the whole, and made the order for Friday.

Mr. SWANWICK, from the committee of commerce and manufactures, reported a bill for licensing pilots in the states of Virginia and Maryland, within the waters of those states. It was read a second time, committed to a committee of the whole, and made the order for Friday.

A message in writing was received from the President of the United States, which the speaker having opened, he declared to be of a confident nature, and that, therefore, the house and galleries must be cleared of all but the members and the clerk. It was cleared accordingly.

After the doors had been closed little more than half an hour, they were again thrown open, and

Mr. Dwight Foster, from the committee of claims, made a report on the petition of William Alexander, appointed a surveyor of army lands, in pursuance of an ordinance of July 9, 1788, which was in favour of the petitioner. It was referred to a committee of the whole, and made the order for to-morrow. Also on the petition of John Conrad Latour,

which was unfavourable to the petitioner : to which the house concurred.

On motion, ordered, that the petition of Francis Wright presented Dec. 1795 be referred to the committee of commerce and manufactures.

Mr. SWANWICK, from the committee of commerce and manufactures, made a report on the petitions of Richard R. Saltonstall, Jacob Broom, Robert Dawson, William Crowley Jordon, John Nicholson, and the proprietors of the Glass manufactory of Boston, and of sundry hat manufacturers in the United States.

Mr. Saltonstall had formerly obtained a patent for securing to him an improved use of Sumach ; and complained that he had been disturbed in his right by others who pretended his discovery had been made in other countries before he obtained his patent ; he prayed for security in the enjoyment of his patent, or compensation for his expenses. The committee reported that a court of law was the proper tribunal for an appeal, and resolved that the prayer of the petitioner could not be granted.

Jacob Broom is the proprietor of a cotton mill on Brandywine creek. He prays that the duty on raw cotton may be repealed, and that an additional duty may be laid on cotton goods imported.—The committee report, that to repeal the duty on raw cotton imported, would be to damp the growth of cotton in our own country, and that imported cotton goods already paying a duty of $12\frac{1}{2}$ per cent, the tax was sufficiently high to allow ample room for competition. The petition was therefore not granted.

Robert Dawson is a manufacturer of bolting cloths at Wilmington. He prays for a repeal of the duty on raw silk, in order to aid his manufactory, the produce of which he says is superior to any imported. The committee report that the superior quality of these boulting cloths was sufficient to recommend them, without embarrassing the revenue, by a repeal of the present duty. The petitioner had leave to withdraw his petition.

William Crowley Jordon is a silk manufacturer, who is desirous of establishing a silk manufactory in this country, and prays Congress to assist him with some addition to his capital. The committee reported, that if our finances were in a state to encourage a scheme of this sort, they should very much doubt of its success from the high price of labour. This petition was also disagreed to.

John Nicholson, of this city, and the proprietors of the glass manufactory at Boston, praying their manufactories may be encouraged by an additional duty on glass imported. The committee report it as their opinion that the high price of labour, which time only could cure, was a greater obstacle to their manufactory than the duty, and that therefore the prayer of the petition ought not to be granted.

Sundry manufacturers of hats, in the United States, pray for an increase of duty on hats, for the encouragement of their manufactory. The committee's opinion upon this petition was the same as upon the last, and it was of course disagreed to.

The reports were twice read, and the house concurred in them.

Mr. W. SMITH called for the order of the day on the report of the committee of ways and means, to whom it was referred to take into consideration the subject of further revenues, and the provisions requisite for improving and more effectually securing the internal revenues, which being agreed to, the house resolved itself into a committee of the whole, and the following resolution was brought under consideration :

“ Resolved, that it will be expedient to abolish the tax laid on spirits distilled from materials of the growth or produce of the United States, at any other place than a city, town, or village, or at any distillery in a city, town, or village, at which there shall be one or more stills, which singly, if only one, or together, if more than one, shall be of less capacity than four hundred gallons; and to collect this branch of the revenue from a tax on the capacity of the stills.”

Mr. MACON said, it appeared to him that this provision would have the effect to destroy all the small stills in the country, and to establish large distilleries. In the country, where fruit was generally distilled, this would be a great inconvenience, as it was necessary to be done immediately. He believed the system was going on pretty well at present and he thought it unnecessary to make any change in it.

Mr. HENDERSON hoped the resolution before them would not be agreed to. He believed it would operate against many of the small stills. Perhaps, indeed, this was the meaning of it; for, if he remembered rightly, a gentleman from South Carolina (Mr. Harper) on a former occasion, had expressed a wish that small stills might be annihilated, and large distilleries erected. With respect to New-Jersey, Mr. H. said, the article of cyder was mostly distilled. It

was difficult to carry this to a distance, and therefore the number of small stills was very considerable ; but, should this resolution be carried, it would subject them to great difficulties, and, in many instances, amount to a prohibition from distilling at all. He believed the system at present was pretty generally satisfactory.

Mr. GALLATIN said, both the gentlemen from N. Carolina and from New-Jersey, seemed to be certain that the plan proposed would have the effect to destroy small stills, and from thence derived their objections to it. He wished they would shew how this would be done. He believed the law might be so carried into effect, but he also believed that it might be so arranged as to avoid it.

Gentlemen had said that the present system was very well. He would say it was not so. It was unproductive. The expense of collection upon that part of the revenue which was drawn from spirits distilled in the country on domestic materials cost from 32 to 33 per cent. collecting. What the nett amount of the duty was he did not recollect ; he believed it was from 150,000 to 200,000 dollars per annum. It was clear, he said, that the moment a direct tax was laid upon the still, instead of the spirits, two-thirds of the expense of collection would be got rid of ; all that was necessary being to measure the still, instead of having an officer to watch the operations of the distiller. Here, he said, frauds could not be easily committed. Nothing was necessary to be known, but whether a man distilled or not ; if he distilled without a license, he would be liable to a penalty, and this was all the fraud which could be practised.

Another great objection to the present system, Mr. G. said, was, that it gave great advantages to the unfair trader over him who traded fairly. Some were advantaged through ignorance, and some through design ; an oath, he said, would bind some men but not all. This would be altogether prevented by the plan proposed. Every man would stand upon the same ground.

It was true, and it was the only objection which could be made to it, that if an equal tax was laid upon the capacities of all stills, there would be an advantage in favour of large stills : because, upon large stills, large capitals would be employed, and they would be worked throughout the whole year ; but, in order to remove this objection, he thought a certain scale should be formed, in order to proportion the duty according to the size of the still. He was of opinion, that this single provision would remove all objections. If

the resolution was agreed to, it would of course be referred back to bring in a bill, and then it would be seen whether this evil could not be remedied in the way mentioned. All the revenue officers, Mr. G. said, were agreed as to the propriety of this measure.

Mr. PARKER said, if the mode proposed could be so modified as not to injure the small stills, he should have no objections to it; but if it were to have that effect, he trusted he should be able to shew it would be a very improper measure.

Mr. DAYTON (the speaker) said at first the report appeared to him in an unfavourable light. He feared it would have the effect, nor was the fear an unreasonable one, to injure small stills; but he now saw it possible to prevent their injury, and even to protect them. He thought there was a regulation of greater importance than the one mentioned by the gentleman from Pennsylvania (Mr. Gallatin) he thought small stills should have the privileges of taking out licenses for a shorter time than a year. Foreseeing that the house would have an entire controul over the business, when it came before them in the form of a bill, he did not mean to oppose it in this stage.

The resolution was agreed to, the committee rose, the house concurred in it, and it was referred to the committee of ways and means to bring in a bill.

On motion of Mr. Madison, the house went into a committee of the whole on the report of the secretary of war, on the petition of M. Poirey, secretary and aid-de-camp to major-general La Fayette.

It appears that M. Poirey followed the example of General Fayette, in declining to receive any pay for his services in the course of the late war; but, like his master, having been overtaken by misfortune, he calls upon the equity and generosity of the American nation to afford him relief, in the same manner as they had unasked requited the services of General La Fayette.

The report being read, Mr. Madison, in order to take the sense of the house, moved the following resolution:

“That provision ought to be made by law for settling the claim of M. Poirey.” He said that the plea of the petitioner seemed to be this, that, since the house had behaved with generosity to the General himself, they would be equally favourable to him.

Mr. COIT said, that there were an infinite number of cases of the same kind. He wished, on this account, that it

had been at once sent to the committee of claims. It would then have been compared with other cases of the same nature. He moved that the committee of the whole should rise for that purpose.

Mr. LYMAN hoped that they would not rise. The house were as competent to decide at present as they ever could be. The whole facts were before them. Mr. Lyman was for rejecting the petition. He did not understand this way of first giving up a claim and then coming back a second time.

Mr. Coit thought that it was of importance to decide uniformly. As other cases of the same kind had been before the committee of claims, he wished this to be referred in order to have a similar decision with others.

Mr. SWANWICK did not wish the committee to rise ; nor the petition to be referred to the committee of claims. He thought that it would be an uncommonly hard and disagreeable case, after a man had served this country, that he should not be paid for it. He considered it even as bad policy, setting gratitude out of the question. The American revolution had indirectly conduced to that of France, by which the petitioner had been reduced to ruin. Mr. Swanwick urged the propriety of granting the prayer of the petitioner. It was a case analogous to that of Fayette himself. Having paid the General, we ought of course to pay the secretary. The latter had, like the former, waved his claim till compelled by necessity. He hoped that the committee would not take advantage of this generosity to deprive him of the money.

Mr. THATCHER doubted whether the two cases were analogous. It had been said that Fayette generously made a waiver of his claim, and that the aid-de-camp did the like. As to the latter Mr. Thatcher had doubts. If this had really been the case, he should be willing to let him be paid now.

Mr. S. SMITH insisted that the case of this officer and Fayette bore a close resemblance. This gentleman had not been paid. He was not in the list of officers who had been so. He had cast himself on the liberality and equity of the house. Mr. Smith hoped that the request of the petitioner would be granted.

Mr. SWANWICK asked what kind of appearance this country would make in Europe, if it should be told that the General had been paid, but not his aid-de-camp? When a native American was cut off by the statute of limitations, there was still this to be said that he had gained, and shared in the advantages of the American revolution. But the French

officer had no consolation of that kind. It had tended to precipitate this gentleman and others into ruin.

Mr. KITCHELL was against the petition, and he did not see in what way the petitioner could be said to have waived his claim. As for the grant to Fayette, he had been of much use to this country in many other respects, as well as by his military services; he had been the means of America obtaining pecuniary aid.

Mr. DAYTON understood his colleague last up as being rather against the quantum than the principle of the compensation. He saw no use for rising in order to refer. The facts were all before the committee. No new information could be got. It was known that Fayette and his family were in a particular situation. Not one of them took any money. Mr. Dayton would consider it as extremely hard to hold up the statute of limitations against any person, either an American or a foreigner who was beyond seas, when past.

Mr. MACON thought the case of De Bord equally hard, as well as many others. Thus a man petitioned the house who had gone to Kentucky, thinking that he could do better beyond the mountains. He came back, and applied for what was due, declaring that he never once heard of the statute; he was refused redress, as well as many others. Mr. Macon said that we are as bound to take care of our own citizens as of Frenchmen. As for the French revolution, we have nothing to do with it in this question.

Mr. MURRAY said, there is not a farmer in the United States, who would not approve the affording of relief in this case; for, said he, who among them, if a young man, fond of agriculture, should serve him faithfully for a year, and at the end of that period, wishing to pursue his inquiries into distant lands, should leave him, but decline to be paid for his services because he did not want the money, would, if that same young man should return in the course of a few years in distress and ask of his equity and generosity, what, before he could have claimed of his justice, turn a deaf ear to him, and say, "I owe you nothing; since you did not receive your due when you might have had it, I cannot now listen to your distress." He believed no one would be found to do this.

Mr. COIT endeavoured to shew that the rules of morality which suited domestic concerns could not in this case be applicable or practicable in regard to the statute of limitations.

Mr. MURRAY repeated his hopes that the prayer would be granted.

The committee agreed to the resolution ; they rose, and the chairman reported.

Messieurs Madison, Swanwick and Murray, were appointed a committee to bring in a bill, pursuant thereto.

The motion of yesterday on the alteration of the constitution respecting the election of President, was committed to a committee of the whole house on the state of the Union.

Adjourned.

Tuesday, January 10.

Mr. FOSTER gave in a report from the committee of claims, on the petition of George Lucas, formerly a serjeant in the Pennsylvania line. His claim of an hundred dollars for assisting to check the mutiny is refused, because the committee can find no evidence of his having received any promise of such a sum. The claim is also barred by the statute of limitations.

As to the second demand of Mr. Lucas, for fifteen pounds paid to him for raising a man for the service of the army, the payment must have been pursuant to some law of the state of Pennsylvania, and charged to the general expense of the Union. With regard to the third demand, for damages on account of his confinement in the goal of Philadelphia, the committee can see no reason for giving him any grant on that head. The report was read a second time, and agreed to by the house.

Report was also made on the petition of John Wood, for services in the army, which was likewise reported against and concurred in by the house.

Mr. HARTLEY moved that John Michael should have leave to withdraw some documents which he gave in with a petition, that was refused in last session ; the motion was agreed to.

Mr. THATCHER, from the committee appointed to inquire if any or what alterations were necessary in the establishment of Post-Offices and Post-Roads, reported a bill, which was twice read, and ordered to be committed to a committee of the whole on Monday.

Mr. HENDERSON proposed a resolution to the house in the following words :

“ *Resolved*, that the committee of ways and means be instructed to inquire into the propriety and expediency of lay-

ing a tax upon all Theatrical Exhibitions ; and also to inquire whether any, and if any, what articles of foreign growth, or manufactures imported into the United States ; or of articles manufactured or used within the United States, will allow of an additional duty to be laid upon them, and to report thereon."

Mr. HENDERSON said his reason for offering this resolution to the house was, because the subject of revenue was likely soon to come before them. It was, he said, in contemplation to lay a tax upon land, which appeared to him an object of the greatest importance, and that every means of indirect taxation should be resorted to, before direct taxation was adopted. He did not wish to be understood to be opposed to direct taxation, when all other means failed ; but he was of opinion there were objects upon which indirect taxes might be laid, which had not yet been attended to. It was on this account he offered the above resolution.

On motion of Mr. Milledge, the house resolved itself into a committee of the whole, on the report of the committee of claims on the petition of John Gibbons, treasurer of Georgia. The report, which was as follows, was read :

The committee of claims, to whom was referred the petition of John Gibbons, treasurer of the state of Georgia,

Report,

" That the petitioner, in his official capacity, prays, that final settlement certificates may be issued in favour of the said state, for the sum of 123,283 $\frac{7}{9}$ ths dollars, contained in a certificate, dated the 18th May 1785, and signed by John Pierce, commissioner, which is not considered, by the officers of government, as a final settlement certificate, and payment of interest thereon is refused ;—or that some other relief may be granted.

" On the investigation of this claim the committee find the following facts, viz.

" The state of Georgia paid the officers of their line, up to the close of the war ; and the five years pay commonly called commutation.

" On the 1st day of June 1784, Congress passed a resolution, which provides " that the several states shall be credited, in their accounts with the United States, for the specie value of all sums by them paid to their officers and soldiers in the continental army, due from the United States ;

provided such payments shall have been notified to the paymaster-general, and by him charged to such officers and soldiers, in settling their accounts with the United States; and interest shall be allowed the said states from the time of payment so made."

" On the 7th of May 1787, Congress ordained that a board of three commissioners should be appointed, whose duty it should be to receive from the comptroller of the treasury, and from the commissioner of army accounts, all the accounts and claims of the several states, &c. that a final adjustment of such claims, on uniform and equitable principles, might be had.

" On the fifth day of August 1790, a law was passed by Congress, similar to the ordinance above mentioned; authorizing and directing the said three commissioners to receive and examine all claims of the individual states against the United States, which should be exhibited to them before the 1st day of July 1791: the powers of which commissioners, were, on the 23d day of January 1792, extended to the 1st day of July 1793; since which, they have settled the said claims, and their settlement has received the approbation and sanction of Congress—in which the state of Georgia is found to be a creditor state to the amount of dollars.

" On the 18th day of May 1785, John Pierce, commissioner of army accounts, gave a certificate, that in the final settlement made by him of the accounts of pay and commutation, of the officers of the Georgia line, he found the state had paid their officers for sums due prior to August 1st, 1780, and from that time up to, and including the year 1783, and including commutation, the sum of 123,283 $\frac{70}{100}$ ths dollars; for which payments the said state was to have credit in the account with the United States, agreeably to the resolution of Congress of June 1st, 1784.

" The state of Georgia have attempted to obtain interest on this certificate, both before and since the act passed the 4th of August 1790, and have been refused.

" On the 9th day of April 1791, an explicit refusal, in writing, was given by the then secretary of the treasury, alleging that the sum of this certificate was already passed to the credit of the state of Georgia, in the books of the pay office, and that it would be included in the statement of the general board of commissioners, and could not be funded by the aforesaid act of the 4th August 1790.

“ This decision was not satisfactory to the state of Georgia, and on the 12th day of April 1792, they presented a memorial to the house of representatives, praying that separate final settlement certificates might issue for the certificate mentioned above—which was referred to the secretary of war, but no report was ever made upon it ; and the memorial is said to have been lost or mislaid.

“ On the 9th of April 1794, the memorial now under consideration, was presented, and referred to the secretary of the treasury ; and on the 5th of January 1795, returned without any report ; and on the 10th December 1795, referred to the committee of claims.

“ The committee are of opinion, that this certificate of 123,283 $\frac{7}{10}$ ths dollars, was not presented to the commissioners who settled the accounts of the individual states, with the United States, nor by them allowed. This opinion they derive from the circumstance of the original certificate being now in the hands of the agent for the state, which, if allowed, must have been reserved by the commissioners ; and by a certificate of Patrick Ferral, who was principal clerk to the said board of commissioners.

“ It seems, by this last certificate that Mr. John Wereat, agent for the state of Georgia, had in his possession the certificate of Mr. Pierce, aforesaid, but claimed that it was a final settlement with the United States, and just claim against them by the state of Georgia, as assignee to the officers ; and would not lay it before the commissioners.

“ The committee are clearly of opinion, this certificate ought not to be considered as a final settlement certificate, for the purpose of being funded on the act of August 4th, 1790, but that the claim was regularly to have been laid before the aforesaid board of commissioners, and a good claim against the United States in the general settlement. Had Mr. Pierce not interfered in this business, and had he not given a certificate, the claim would have indisputably come under the resolution of Congress of June 1st, 1784 ; and his interference does not alter the nature of the claim, as he expressly grounds it on the same resolution, which circumstance must remove all doubt on the subject.

“ The Secretary of the treasury decided upon the request for interest, or to loan this certificate, seasonably for the exhibition of the claim to the board of commissioners ; but the state of Georgia suffered the limitation to bar them, and did not even petition Congress until long after they were barred.

“ A strict adherence to the limitation in this case, appears to the committee, of the utmost importance, as allowance of this claim would now, in effect, destroy the equality and defeat the propriety of the settlement made by the said board of commissioners—they are therefore of opinion, the prayer of the petition ought not to be granted.

Mr. MILLEDGE said, that although the committee of claims had supposed this claim was barred by the committee of claims, yet he thought it clearly was not. It was a continental debt properly founded on a certificate which it could not be doubted was good. Five years they were in possession of that certificate. In May 1787, he said, Congress passed a law to establish three commissioners to examine into the claims and debts of the states. Georgia had claims against the Union, but she kept back 1,230,000 dollars lest she should be considered a creditor state. He said Georgia had suffered more than any other state during the war, being the southern outpost or picket: the most numerous tribes of savages were continually on her frontiers, and she was obliged to be perpetually in arms, therefore the hand of the United States ought to deal tenderly towards her, they ought to strengthen her instead of oppressing her by withholding from her a just claim. A general adjustment took place in 1785, on uniform and equitable principles, then, how this came to be barred, he could no way account.

On the 9th of April 1791, the late secretary of the treasury, Mr. Hamilton wrote to them that this account was passed to the account of Georgia, and would be included in the settlement of the general board of commissioners: this was three months previous to the settlement at that board: in six months after this, or three months after the final settlement we get information that we are deprived of that settlement which we expected to receive as unquestionably our just due;—this certificate which specified our claim was not admitted into the account. Now from this representation, which is incontrovertibly just, could it be conceived, said Mr. M. that such a report against the claim should be returned? He must conceive there was much justice in the claim.

Mr. BALDWIN enlarged in explanation somewhat on the observations of his colleague. After repeating the advice given by Mr. Hamilton on the subject, he went on to explain, that a Mr. Pierce, commissioner of army accounts was dispatched from the general government, to settle the arrears of the troops in the southern states: that owing to a

number of circumstances, and none so much as the great distance of Georgia, 3 years had elapsed before he reached them. The army became very impatient and solicitous for their pay ; after repeated applications, and apprehensions, the state ordered the treasurer to advance money to quiet their murmurs ;—it was done, not doubting but that the commissioner would soon arrive, and repay the state. At the time before mentioned Mr. Pierce arrived.—Every one knows the scarcity of money at that time ; and it was also as well known that this John Pierce's certificates were as good as cash—it was only necessary to believe them genuine and they freely passed for cash. Mr. Pierce did not know what to do, as the money had been paid—however, at length, to prevent a number of Items, and making out settlements to a number of names, he gave a general certificate of the whole sum on one piece of paper—there was no doubt of that paper.—It was only necessary to prove it was the real liquidated certificate of John Pierce, and it became current, if real. Mr. B. did believe that it could have been funded, there could be no objection, the paper of Mr. Pierce was then so unobjectionable. The funding law admitted those certificates to be paid in, and this was in no respect different from other certificates issued by John Pierce.

We wrote to the secretary of the treasury ; he considered the notes of the same value we took them to be, and wrote us every thing was well, the sum was already passed to the credit of the state, and that it would be included in the statement of the board of commissioners ; in July when their agent came to Georgia, it was found that this was not the case, and it was then past hopes, the board having risen. It was therefore alledged to this misinformation that the claim was not given in at the board ; we placed every possible dependence on the advice of that department, whose direction we considered as certain. If the secretary of the treasury had said that the claim could not be considered as liquidated, but must be given in to the commissioners, or it could not be allowed if it had not then been delivered, we should have had no excuse ; but from this source of direction it must have been thought sufficient, it was therefore but just in this situation of things that the claim should be allowed.

Mr. W. SMITH, from attending to the facts stated by the members from Georgia, and the statement and report of the committee, was convinced of this important fact, that this was not a certificate given by Mr. Pierce to an individual, but to

a state, as such it ought to have been brought forward at the general settlement of the states accounts. Mr. Gibbons did not stand himself as a creditor, but the state; and now Mr. Gibbons comes forward with this claim, under another appearance—an individual. No, Mr. S. said, he must consider it still as the state; in this view it must be considered. The state thus chose to assume the debt, and become the creditors of the United States, and from that consideration she ought to have come in with the others, to have had the settlement. Why then did she not come forward at that time. Mr. S. supposed it was because it would be more to her advantage to have the certificate funded. They had either to bring it forward to the board, and lose the chance of funding it, or run the risk; they chose the latter. And can they now blame the United States that after it was declared that no state claims should be granted after the limitation by the board of settlement, can they now, said Mr. S. expect this claim because they chose to run a hazard of losing that opportunity with a view of more profit? No. Were this allowed, claims would soon pour in from other states, for accounts pretended to be unsettled. Mr. S. then proceeded to justify the secretary of the treasury from the charge of misjudgment in the case—all other states, he said, would have been in the same situation, had they not fairly brought forward their claims to the general settlement. South Carolina had some millions of dollars to put into the general account, which she fairly did, and never pretended to fund it: he thought other states had equal claim if this was allowed.

Mr. COIT spoke at some length against allowing the claim, as he had every reason to believe, from a strict examination of the paper and circumstances attending them, that the state had been allowed the amount of their claim, to which Mr. Baldwin returned an explanatory answer.

Mr. D. FOSTER said, if gentlemen would examine the papers, there was no ground for supposing the secretary of the treasury in an error. Mr. Jer. Smith made some remarks similar to those of Mr. Coit, to whom Mr. Gallatin answered in favour of the claim; he thought the case appeared clearly a claim founded on substantial justice, and ought to be granted. Mr. Jer. Smith again spoke, to whom Mr. Nicholas made reply. Mr. W. Smith did not think the evidence in favour of the claim sufficient to admit it. The observations were pretty lengthy on both sides of the question, but being rather of an uninteresting nature we refrain from

too prolix a report, conceiving more pleasure and general satisfaction may be derived from a judicious, than at all times an over-tedious detail.

The committee rose, reported progress, and obtained leave to sit again.

Mr. Madison, from the committee to whom it was referred to bring in a bill for making provision for the satisfaction of the claim of Mr. Poirey, secretary and aid-de-camp of General la Fayette, reported a bill, which was twice read, and ordered to be committed to a committee of the whole to-morrow.

Mr. LIVINGSTON said, he had a proposition to make relative to the communication yesterday received from the President of the United States, and therefore moved that the house and galleries might be cleared.

They were cleared accordingly ; and it being then half past two o'clock, it is supposed the house, after deciding on Mr. Livingston's proposition, adjourned.

Wednesday, January 11.

Mr. FOSTER from the committee of claims reported on the petition of John Baptist Dumon. The petitioner resided in Canada, when the American army came to Quebec. He suffered considerably on their account, and in last session presented a petition to the house, when a summary of his claim was given in some of the newspapers. His petition was refused. This session, another representation was given in for him, this report was now offered upon it from the chairman of the committee of claims. It states that the former petition had, on the 12th of January, 1796, been maturely considered, and decided upon by the house. Nothing new was advanced in this second petition ; and hence the committee thought it needless to say any thing more than that they considered the former determination as proper.

Mr. FOSTER also gave in a report on a petition for Michael Hillegas, a justice of peace in this city. He prayed compensation for certain depreciated paper money, which he had received in the late revolution, while in the service of the United States. The committee have no information, except what they derive from the statement of the petitioner himself. As to depreciation, they cannot recommend an interference. The reports on these two petitions were read a second time, and the house concurred in rejecting them.

Mr. MURRAY gave in a petition for Robert Scott, engraver to the mint. It stated, in a few words, that he had renounced a profitable employment, in order to accept of this place. He mentioned the increased expense of living, and hoped that the house would take his case into consideration, and grant him an advance of salary. Referred to the committee on compensations.

Mr. GLEN gave in a petition from Andrew Mac Farlane, at Shenectady, in the county of Albany, and state of New-York. He had been in Canada during the war, where he lost every thing which he was worth, by his attachment to the American cause. He wants a remission of duties on spirits, which by this indulgence, he could be enabled to send into the north western territory. Referred to the committee of commerce and manufactures.

Mr. Swift, from the committee to whom was referred that part of the President's speech relative to the promotion of agriculture, made a report, recommending the institution of a society for that purpose under the patronage of government, which might act as a common centre to all other societies of a similar kind throughout the United States. No public provision is contemplated, except for the salary of a secretary and for stationary ; but if the state of the treasury should make even this unadvisable, it is stated that it might be carried into effect without pecuniary aid. The report is accompanied by a plan, the principal articles of which are, that a society shall be established at the seat of government ; that it shall comprehend the legislature of the United States, the judges, the secretary of state, the secretary of the treasury, the secretary of war, the attorney general, and such other persons as should choose to become members agreeably to the rules prescribed ; that an annual meeting should be held at the seat of government, at which is to be chosen the president, secretary, &c. and a board, to consist of not more than thirty persons, which shall be called "*a Board of Agriculture* ;" that the society shall be a body corporate : that a report shall be made annually, &c. The report concluded with a resolution in these words, " Resolved, that a society for the promotion of agriculture ought to be established at the seat of government of the United States."

The report was twice read, and ordered to be committed to a committee of the whole on Monday next.

On motion of Mr. W. Lyman, the unfinished business of yesterday was postponed, in order to take up the report of the committee of claims on the petition of Gilbert Dench. The house accordingly went into a committee of the whole on that subject, Mr. Coit in the chair, when the report which was as follows, was read :

“ That it appears by the statement of the petitioner, and is proved by the documents which accompany his petition, that in the year 1781, he contracted with Jabez Hatch, then deputy-quarter-master-general, to transport clothing, &c. for the United States; and in 1782, he made another contract with the same officer, to transport military stores for the United States, which two contracts were both faithfully performed by him. The first contract was made for certificates, and paid according to the terms of it; the second contract, to the amount of more than 20,000 dollars, was made for specie; and when it became due to the petitioner, the said Hatch had not cash to fulfil the contract, on the part of the United States. Application was made to the commonwealth of Massachusetts, and a loan obtained in certificates or orders, in anticipation of the continental taxes then in collection: having obtained these orders or certificates, the said Jabez Hatch paid the same to the petitioner, in satisfaction of the contract, and he gave a receipt in full, as having received specie, nominally. This loan was soon after reimbursed in the treasury of Massachusetts, by an order from the superintendant of finance for the United States.

“ The committee find that those certificates, issued in anticipation of the taxes, like other public paper at that time, passed at a discount, and that the petitioner suffered by their depreciation: they are, however, of opinion, that at this time to undertake to redress the injuries sustained by individuals, in the depreciation of public paper during the late war, would be productive of greater evils than any possible advantages resulting from the attempt, could compensate.

“ The petitioner has heretofore brought this subject under the view of Congress, who, after a full investigation, resolved that the prayer of this petition ought not to be granted. Though the committee are sorry for the misfortunes of Mr. Dench, they cannot find sufficient reasons to justify an opinion, that the house should now make a different decision; and therefore report, that he have leave to withdraw his petition.”

Mr. THATCHER said, that he hoped the committee would not approve such a report. They had been afraid that an agreement to it would make the door open for many others. He had contracted for specie. He had been paid in depreciated paper. He ought to have the difference made good. Mr. Thatcher desired that the account given in by Mr. Dench might be read. This was done.

Mr. MACON differed entirely from Mr. Thatcher. Mr. Dench had granted a receipt as for so much specie. The committee had only to look at the facts. The matter was closed. Mr. Dench could have no claim. If there was any reference it should be to the state of Massachusetts, whose paper had depreciated.

Mr. VARNUM vindicated the claim of Mr. Dench. The individual state had no concern in repairing the depreciation. It was the United States with whom the petitioner contracted that ought to make good his loss.

Mr. SPRIGG thought that by consenting to the request, there would be a derangement of precedents. He looked on the case of Capt. Harris, decided but a few days ago, as much stronger than that of Mr. Dench. Mr. Harris was to have been paid in specie, but he did not receive it. The treasury said to him, "You shall receive nothing but depreciated paper." There were many such cases. The present petitioner says that he was compelled to sell his certificates. Wherein does this differ from the case of Mr. Harris? Mr. Sprigg could see nothing in the two cases to warrant a different decision.

Mr. MADISON said that if any gain or saving had been made in this transaction it was by the state of Massachusetts. The United States had once paid the money. If a method could be pointed out of sharing the loss equally between them, he confessed that for his part he would approve of it.

Mr. DEARBORN thought that this case was materially different from Harris's. Dench contracted for specie, and was paid with paper. He was under a necessity of getting paper in order to pay the people with whom he had engaged, and who were calling on him by hundreds. As for Mr. Harris, every officer in the army was forced to accept of depreciated paper. He was no worse than others. This bargain was made expressly and exclusively for specie, at a time when paper would not be taken.

Mr. J. SMITH said, that Dench had been badly used, but innumerable other cases were much worse. Mr. Dench suf-

ferred no more than others who took depreciated paper instead of specie. He was obliged to sell his certificates before they were due, but the citizens of Massachusetts actually paid in real specie the tax of which these certificates were partly an anticipation. Mr. Smith said that the house were, every day, rejecting claims more equitable than this one. He was almost going to have said that in point of equity it was much less strong than any other claim which they had met with.

Mr. WILLIAMS was against the prayer of the petition. The United States had paid the money. The complying with this demand would open the door to numbers with this principle in their view.

Mr. LIVINGSTON thought this case in a peculiar situation. The payment was made in depreciated paper. By this the United States gained nothing. One half or so had been lost to the petitioner, and it must have been gained by somebody. To whom then was the creditor to look for reimbursement? Massachusetts stood in the situation of a person receiving money without authority to do so. Members from that state did well to advocate the payment of the balance to Mr. Dench. The transaction was disgraceful. It ought not to come abroad to the world. He thought that Dench should be satisfied by Massachusetts.

Messrs. Varnum, Thatcher, and Sewall rose successively in reply to Mr. Livingston. They insisted that he had mistaken and mistated the case, as Massachusetts had gained nothing by the depreciation. Mr. Sewall said that urgency of the service of the United States was the cause of the anticipation. This produced the depreciation, it is well known what a man suffers by anticipating his revenue. The necessity was originated, and the consequences ought to be supported by the United States.

Mr. Harper said, that Mr. Livingston had represented the case as branching into two points, ought the petitioner to be paid, and if so, who ought to pay him? The first point the gentleman had past over. This Mr. Harper would take up. Mr. Dench was under no compulsion to sell his certificates until they became due, when he would have got full payment. He chose to go on, as the lesser of two evils. Perhaps there was not a single man having any dealings with the United States, who had not been in the very same situation. Mr. Harper was sorry that the petitioner should have been so treated, but he could not for his life conceive what gentlemen meant by calling his case a peculiar one. Mr. Harper

could quote cases by thousands, which had been refused, and which were more entitled to the compassion, to the attention, he would not say to the justice of the house. We have nothing to do in this case in particular, after finding it necessary to establish some great principle, which would comprehend the whole.

Mr. W. LYMAN would not agree to the report of the committee of claims. The petitioner never could be paid by Massachusetts which had already borne her full share. It was well known what very great dependence was placed upon that state. At one time more than one half of the troops in the continental army belonged to it. The daily food of the inhabitants, and almost every thing else, was often in a state of requisition.

Mr. PRESTON was against the report of the committee. Who was bound to bear the loss? He did not think that it would be Massachusetts. It would be very unjust to make the petitioner a loser. It could therefore fall only on the United States. This might be deemed inexpedient, as opening a wide door. Mr. Preston could not help this, nor bring himself to vote for the report on the table.

Mr. VENABLE said, that hundreds of cases admitted to be just, and which had been laid on the table, were refused, rather than that the statute of limitations should be broken.—He wondered why this thing had been brought forward.

Mr. THATCHER denied again that Massachusetts gained any thing by this depreciation. Mr. Dench was obliged to anticipate, when three hundred people were daily calling on him for money on account of his contract. The case of Capt. Harris was quite different. He did not call for the money when he might have had it, and every officer was in use to accept of money at the depreciation, as well as he.

Mr. POTTER denied that there was any peculiarity in the case. Mr. Dench was exactly in the same situation with many others.

Mr. CHRISTIE thought that the introduction of this claim, just after that of Harris had been rejected, was the most extraordinary thing in the world. He said that cases in that house were apt to have merit according to the coldness of the climate from which they came. In the affair of Capt. Harris, not one farthing was to be got. To say that they would pay Dench to the full, when officers had been selling their certificates at a shilling per pound, was the merest farce in nature. Why in the name of common sense was this petition-

er singled out ? He never could see the merit which this petition had, unless that sort which he had named already.— There was not in the case of Dench one tenth part of the merit which many others had, that the house rejected.

Mr. DAYTON concurred in the report of the select committee. There was nothing more in this instance than in many others. It would be letting in a flood of claims.

After a long debate, the question on agreeing to the report of the committee of claims, was put and carried. The committee rose and the house confirmed the agreement.

A bill was received from the senate for repealing the limitation of the act in addition to an act for the punishment of certain crimes against the United States, and to continue in force the same. It was twice read, and ordered to be committed to a committee of the whole on Monday.

Mr. W. SMITH gave notice that he should to-morrow call up the report of the committee of ways and means, on the subject of providing further revenue.

Mr. MADISON called for the order of the day on the bill for making provision for the claim of Monsieur Poirey, as secretary and aid-de-camp to major-general la Fayette. The house accordingly went into a committee of the whole on the subject, and rose and reported the bill without amendment. The house then took it up, when

Mr. DEARBORN said, he was not present when this business had before been under discussion. He hoped that all claims intended to have been taken out of the statute of limitation, would have been referred to the committee of claims, and proceeded with regularity. He did not admire the taking of them out in this way. There were many cases, he said, of soldiers and sailors ; who, from certain circumstances, had been prevented from making their claims in time, and as long as there were many cases of this kind unattended to, he should be against taking up cases like the present separately.

Mr. WILLIAMS wished to know whether this officer acted in two capacities, or in one. He thought no officer ought to be considered in two.

Mr. SWANWICK said, the house had considered this officer's case as totally different from that of any other, as he never intended to have made any claim, but to have followed the example of his general. Having, like him, however, been overtaken by misfortune, he claimed also the bounty of the United States. It was on this account that the bill was brought in. As to whether he should be considered in one

or two capacities, was not now the question. He doubted not the accountant of the war department would take care of that.

Mr. Madison observed, that if he saw any danger from the precedent of making this provision, he should not be for it ; but he believed the precedent could not be extended to any other case. This officer, he had learnt, would have been put on the foreign list, had it not been that he was so wrapped up in the conduct of his general, as to consider it indelicate to receive any payment. He relied upon the prosperous fortune of general la Fayette for recompense. This had failed him. If, said Mr. M. any thing could afford comfort to the general in his present unfortunate confinement, it would doubtless be to find that the United States had extended their liberality to the relief of his faithful servant.

Mr. DEARBORN said he had no objection to their doing something for this gentleman ; but he did not see why they should allow him, from generosity, what they refused to others on the ground of justice. It was a common saying " we should be just before we are generous," and he thought it would be dishonourable and unjust to allow relief in this case, and refuse it to our own deserving citizens, whose claims were at least equally strong.

Mr. HARTLEY spoke in favour of the claim.

Mr. SWANWICK said justice and generosity were both combined in this case. This gentleman being a foreigner, he did not stand on the same ground with our own citizens, who though they might have suffered equally in the service, were now, in common with their fellow citizens, reaping the fruits of their labours. To afford relief in this case, as had been observed by the gentleman from Virginia, would afford a degree of consolation to the mind of the unfortunate General in the gloom of his dungeon ; but, on the contrary, if it were refused, it would doubtless give him a painful wound.

Mr. MADISON said, when he was up before, he had omitted to answer the question of the gentleman from New-York. It did not appear clear, he said, what part of the time Mr. Poirey was secretary, and what part aid-de-camp ; they had chosen, therefore, to insert both characters. He would, of course, be allowed according to his services.

Mr. WILLIAMS doubted the propriety of expressing it ; nor did he approve of this way of requiting this officer. He thought they were going contrary to the limitation act ; he

thought it would have been better to have allowed him a certain sum as a gratuity.

Mr. COOPER was in favour of the bill ; because he thought the services of general la Fayette ought never to be eradicated from the minds of Americans.

The question was put and carried, and the bill was ordered to be engrossed for a third reading to-morrow.

Adjourned.

Thursday, January 12.

Mr. D. FOSTER, from the committee of commerce and manufactures, made reports on the petition of Fanny Forsyth, who prays for a settlement of her late husband's accounts, who was deputy commissioner general of purchases in Virginia, and elsewhere : and on that of James Orr, who prays for restitution on account of five horses stolen from the frontier by the Indians. They report on the first, that as the accounts had been presented in due time, there was no need of legislative interference ; on the last against the petitioner. The house concurred in the first report, and that on Orr's petition was ordered to be committed to a committee of the whole house on Wednesday.

The bill making provision for the payment of Monsieur Poirey, secretary and aid-de-camp of major general la Fayette, was read the third time and passed.

Mr. LYMAN presented a petition from John Stevenson, a soldier in the late war, praying for a provision, and one from Mehetabel Baker, widow of Obadiah Newton, a soldier in the late war, praying relief.

Also, a memorial by Mr. Sewall, of Arnold Martin and Sarah his wife, praying for the payment of a certain sum to which they claimed to be intitled by James Mugford's (the former husband of Arnold Martin's wife) being killed on board a privateer in the late war. Referred to the committee of claims.

Mr. COIT said it was necessary that some alterations should be made in the act providing for the mitigation of penalties in certain cases under the revenue laws, different constructions having been put upon it by the officers of the treasury. He therefore proposed a resolution to the following effect, which was agreed to.

“ Resolved that the committee of commerce and manufactures be directed to inquire whether any, and if any, what

alterations ought to be made in the act providing for the mitigation of penalties incurred under the revenue laws, in certain cases therein mentioned, and to report by bill or otherwise.

The house then went into a committee of the whole, on the report of the committee of claims, as to the petition of John Gibbons.

Mr. Coit in the chair.

Mr. MILLEDGE said, that a member from Connecticut had asked what was become of the accompt mentioned in the certificate. It was said that it had been carried into the general accompt. Mr. Milledge had now got the original accompt with the original certificate, as given by Mr. Pierce, at the bottom of it. The committee had only this report from the committee of claims to look to. The diligence of their late chairman, (Mr. Tracy, now of the senate) was well known. They had hence, on this account, no farther information to look for. It was now clearly proved, by the production of this paper, that Georgia had not been paid; that the debt was due by the United States. He regarded the certificate as obviating every objection.

Mr. BALDWIN attacked the report of the committee of claims. If it had not been entirely against probability he would have been one of the last men in the world to oppose it. The task was extremely painful. None of the gentlemen of the committee had even said that it was probable that Georgia had received payment. The report was superficial. Could they not have taken the pains to determine whether the fact was, that Georgia had been paid or otherwise? Their report does not say that such payment has been made. The defence of the report occupied a different ground from the report itself.

Mr. POTTER said, that every state in the Union could shew such things that never had been presented. It would lead to an endless perplexity if the precedent was adopted. He gave an instance in the state from whence he came (Rhode Island). There were two or three brigades of which neither officers nor men were paid. In the hurry and confusion of public business this was not brought forward at the proper time, they had now dropt thoughts of doing so.

Mr. W. LYMAN said that the subject resolved into two points. Whether Georgia had been paid, and whether she ought to be paid. As for the first, he thought that better evidence might be had from the commissioners themselves than any yet

given. As to the second, if it was proper that Georgia should be paid, he did not think this a proper time. Not being prepared on the subject he should, if seconded, move that the committee do rise. He wished the report not to be negatived but postponed. The motion was not seconded.

Mr. DAYTON was against the committee rising. He denied that this certificate was of any consequence to establishing the claim. He would be for the committee rising, if he did not think that Georgia had been already accounted to for it; this not being produced to the board of commissioners as was to be expected. It was not a final settlement certificate. If it was so, the fact ought to be proved, and it should have been funded. This was only a temporary certificate like some which Mr. Dayton himself still had, since 1776, when he was a paymaster. At a final settlement between a general and regimental pay-master, they were not thought necessary to be delivered up. This was a paper of that kind.

Mr. BALDWIN, by the report of the committee of claims, had been confirmed in his opinion that the state of Georgia never had been satisfied.

Mr. SWIFT looked upon the conduct of Georgia unfavourably. He hinted, that he thought the whole merely a scheme to get an hundred and twenty-three thousand dollars from the United States. Georgia never could consider Pierce's certificate as a final settlement certificate, but merely as a paper proper to be produced to the commissioners. This the state did not choose to do. It was their duty to have done so. They had no reason to have called upon the secretary for any purpose, about getting it funded. The very face of the paper shewed that it was not of that kind. They chose to keep it back, where it really ought to have come forward, viz. to the commissioners of public accounts. He was firmly of opinion that it had already been paid, and why the state had chosen formerly to keep it back, and now to bring it up, they best knew. If the act of limitation, by which the claim was debarred, should be opened, there would be an endless matter, that act was the palladium of our freedom.

Mr. NICHOLAS was as unwilling as any man to lay unnecessary burdens on the United States. He was however disposed to think favorably of this claim. He advanced a variety of reasons in defence of his opinion. He wished, at any rate, that the point might be more fully examined, to satisfy the state of Georgia that due attention had been paid to their demand.

Mr. BALDWIN wished to refer it back to the committee of claims. For this purpose, he should move that the committee of the whole do rise.

If the committee would be willing to take it back again, they would doubtless find it in a different form from what they had conceived. If he could conceive that there was good ground for the report he should be the last to oppose it : —he would not wish even the state he came from to receive money unjustly, to the injury of the general government ; but he really thought the committee in their investigation, had gone the wrong road ; he wished the house to have better information on the subject, and not to be led to a wrong determination without due attention.

Mr. D. FOSTER said, all the facts that were in the power of the committee of claims to state, were now before the committee of the whole in the report : he saw no advantage whatever from recommitting it, and therefore should oppose it.

Mr. WILLIAMS would be willing it should be recommit-
ted if it was probable the committee could form a fresh report. If Georgia had not been paid this amount, he thought it but just they should. But whether they were justly freed from the power of the act of limitation he could not say.

Mr. DAYTON said, it appeared from observations made, that there was a credit passed on the books of the state of Georgia to the United States for this sum : now he observed, it was usual amongst merchants and tradesmen when payment was made of a debt on book, that a bond was delivered up or receipt given, as an evidence, and which was always conclusive, of the settlement of such account : Mr. D. said, there did not appear any such evidence to support the present claim. It had been said that the clerk of the board knew the settlement was never made, but he said, neither the clerk, nor the commissioners themselves could give him satisfaction on the subject particularly as he found it depended on the memory of that evidence—he might be a good man, and yet his memory fail of that accuracy which was right in such a case as this. He thought it very proper that good testimonials be presented or the claim was to all intents invalidated.

Mr. NICHOLAS thought that every objection he had heard to this claim, was upon a different ground than that which the committee took : what had been said was, that Georgia got credit upon the original receipt of this certificate. Mr. N. thought this not improper, and he hoped gentlemen would not be against application to all the facts in evidence which

could be procured ; for his own part he must think the claim fair.

After a considerable discussion, which is here but briefly detailed, the committee rose and asked leave to sit again.

Mr. BALDWIN hoped the committee would not have leave to sit again, because the subject ought to go back to the committee of claims, which was also advocated by Mr. Coit.

It was observed by a member that it would be improper to give trouble to the committee of claims, when they could obtain no new information, and the facts having been clearly stated, the house could judge on the subject.

The question was then put "shall the committee of the whole have leave to sit again ;" and carried.

Ayes 44.

Noes 35.

Mr. W. SMITH then called for the order of the day on the report of the committee of ways and means, on the subject of further revenues.

Mr. Dent in the chair.

When the following resolutions were read as reported.

" Resolved, that there ought to be apportioned according to the last census, on the several states, the sum of to be raised by the following direct taxes, viz :

A tax *ad valorem*, under proper regulations and exceptions, on all lands, with their improvements, including town lots, with the buildings thereon."

" A tax on slaves with certain exceptions."

Agreeable to this plan of a direct tax of one million four hundred and eighty-four thousand dollars, to be laid upon the United States, the apportionment of the several states is as follow :

	Dollars.
To the state of Vermont,	28,000
New-Hampshire,	56,000
Massachusetts,	196,000
Rhode-Island,	28,000
Connecticut,	98,000
New-York,	140,000
New-Jersey,	70,000
Pennsylvania,	182,000
Delaware,	14,000

Carried over,

812,000

	<i>Brought over,</i>	812,000
Maryland,		112,000
Virginia,		266,000
Kentucky,		28,000
North-Carolina,		140,000
Tennessee,		14,000
South-Carolina,		84,000
Georgia,		28,000

Amount to	1,484,000
From which there being deducted for abatements, erroneous assessments and charges of collection, fifteen per cent or	} 222,000
There will remain the estimated net proceeds of the proposed tax, being	
	} 1,262,000

Mr. W. SMITH said two questions presented themselves on this occasion ; the first, whether any, and what further revenue was wanted, and secondly, what means shall be used for raising it. With respect to the first, any gentleman who had taken a view of our engagements and revenue, would not hesitate to say a farther provision was necessary. In order to evince this, however, it might not be improper to take a view of our public contracts and revenue. They had before them, he said, the report of the secretary of the treasury on the subject, which not only contained a state of our finances, but of the different revenue laws of the different states, and other materials, necessary to be known in order to form a system of direct taxation for the whole Union. Mr. S. proposed, therefore, to give as brief an abstract as possible of the state of our revenue on the first of July last. He then entered upon the following statement :

- 1st The FOREIGN DEBT ; consisting of loans obtained by the late and present government, in Amsterdam and Antwerp, amounting to twenty-nine millions five hundred thousand guilders ; equal, at forty cents per guilder, to Dollars, 11,800,000
- 2d. The six per cent domestic stock now in a course of reimbursement, 29,344,752 98
- 3d. The six per cent domestic stock upon which reimbursements are to commence in the year 1801, 14,578,882 39
- 4th. The three per cent domestic stock, 19,597,545 93

5th. The five and a half per cent domestic stock,	1,848,900
6th. The four and a half per cent domestic stock,	176,000
7th. The unfunded registered debt, exclusive of arrearages of interest prior to the year 1791,	179,953 16
8th. The debts due to the bank of the United States, and the bank of New-York,	6,200,000

The sums before enumerated are precisely ascertained by the records of the treasury, and amount to 83,726,034 46

There are however in circulation various descriptions of certificates, the amount and value of which are not exactly ascertained, which with the balances of certain unliquidated accounts and arrearages of interest, may possibly rise to 1,124,404 24

The entire amount of all those capitals upon which no expenditure is incurred, and for which provision is necessary, may therefore be estimated at 84,850,438 70

To reconcile this representation with reports heretofore made from the real amount of the public debt, it appears proper to represent that the following sums are indisputable offsets against the capitals before enumerated.

1st. Six per cent stock bearing a present interest, already purchased or redeemed, and vested in the commissioners of the sinking fund,	1,170,232 13
2d. Six per cent stock on which interest will accrue after the year 1800,	980,753 91
3d. Three per cent stock also purchased or redeemed,	610,757 94
4th. Stock of the Bank of the United States, sold by the United States, estimated at par,	2,000,000
5th. The sum reimbursed at the close of the year 1795, on the six per cent stock,	544,066 54

Amounting in the whole to Dollars, 5,255,810 52

PAYMENTS annually required by CONTRACTS.

1st. FOREIGN DEBT. The contracts respecting the *foreign* debt require annual reimbursements by *unequal* payments until 1809, when the last payment is to be made.

The whole sum, including principal and interest

16,772,444

The average sum, *annually* requisite for the *foreign* debt, during the 14 years, which is to continue, is 1,197,888 81

This calculation however supposes the practicability of such a punctual provision for the payment of interest, and principal, as will entirely supersede the use of temporary credits in Europe ; and it moreover supposes that remittances can be uniformly made at the par of exchange.—As neither of these suppositions will be in fact realised, there is to be added to the foregoing sum the estimated expense of remittances above par, and for interest on temporary advance to the United States, to ensure punctuality ;—this expense will not probably be less than five per centem on the annual payments, and being calculated on the average annual demand above stated, will at this rate amount to

59,537 39

1,257,426 14

Upon the principles herein assumed, the average sum to be provided until the year 1809, inclusive, for the extinguishment of the Dutch debt, will be one million two hundred and fifty-seven thousand four hundred and twenty-six dollars, fourteen cents.

It is proper however, to state, that the foregoing estimate is founded on a presumption that some systematical plan will be adopted for satisfying the existing contracts, by direct payments from the treasury. In every degree in which recourse may be had to new loans, the expense of reimbursement will be finally increased by at least the charges of negotiation ; these, upon such loans as may be hereafter obtained in Holland, cannot be estimated at less than six or seven per centum, upon the capitals which may be borrowed.

2. The six per cent stock now in a course of reimbursement, exclusive of the sum passed to the credit of the sinking

fund, is twenty-eight millions one hundred and seventy-four thousand five hundred and twenty dollars, eighty-five cents, upon which the annuity of eight per centum amounts to

2,253,961 66

The capital passed to the credit of the sinking fund, is one million one hundred and seventy thousand two hundred and thirty-two dollars, thirteen cents ; upon which the accruing interest of six per centum per annum, is

70,213 92

Amounting to Dollars, 2,324,175 58

This sum last mentioned will be annually required until the close of the year 1817. During the year 1818, the demand for the object will decline to about one million eight hundred and sixty-five thousand dollars, and will then cease by the extinguishment of the debt.

3d. The six per cent stock on which reimbursements will commence in the year 1801, amounted, on the first of July 1796, to thirteen millions six hundred and forty-eight thousand one hundred and twenty-eight dollars, forty-eight cents, exclusive of nine hundred and thirty thousand seven hundred and fifty-three dollars, ninety-one cents, passed to the credit of the sinking fund. The annuity on the first sum, at eight per centum, amounts to

1,091,850 28

And on the latter sum, at six per centum, to

55,845 13

Being together Dollars, 1,147,695 51

Which last sum will be required from the year 1801, to the year 1823, inclusive. During the year 1824, the charge will be reduced to about nine hundred and twenty-five thousand dollars ; and after that period will wholly cease with the reimbursement of the debt.

4th. The funded three per cent stock, exclusive of the credit to the sinking fund, amounts to eighteen millions nine hundred and eighty-six thousand seven hundred and eighty-seven dollars, ninety-nine cents : on which the annual interest is

569,603 63

The stock of the sinking fund is six hundred and ten thousand seven hundred and fifty-seven dollars, ninety-four cents ; and the interest thereon,

18,322,73

Amounting to Dollars, 587,916,36

The duration of this annuity may be considered as indefinite, for though funds for the redemption of the capital stock are eventually appropriated by the act, entitled "An act making further provision for the support of public credit, and for the redemption of the public debt"—yet, by a proviso to the twelfth section of the said act, the power of diverting the appropriation to other objects, is reserved to the government.

5th. The interest on the stock bearing interest at five and a half per centum per annum (being one million eight hundred and forty-eight thousand nine hundred dollars) will require one hundred and one thousand six hundred and eighty-nine dollars, fifty cents.

6th. The interest on the stock bearing interest at four and a half per centum, being one hundred and seventy-six thousand dollars, will be annually seven thousand nine hundred and twenty dollars.

7th. The unfunded debt is of two descriptions, viz :

That which is registered, being	179,952 16
And that not registered, estimated at	1,124,404 24

Amounting to Dollars, 1,304,347 40

For this debt no provision has been made by law, except a partial grant from year to year, on account of interest. So far as the debt has been liquidated, the public are bound by contract, to pay an interest of six per centum per annum. Similar engagements will be expressed in the certificates hereafter to be issued; to discharge which interest, there will be annually required the sum of seventy-eight thousand two hundred and sixty-one dollars, forty-one cents.

8th. The debts due to the bank of the United States, and bank of New-York, amount to six millions two hundred thousand dollars; though a part of this sum was borrowed at five per centum per annum, yet as the existing contracts are expected to be satisfied from the proceeds of new loans at six per centum, the annuity chargeable upon the revenue, is calculated at this last rate, being three hundred and seventy-two thousand dollars.

The annuities before recited comprise all the demands which will be made upon the treasury in consequence of the present debt of the United States; and being reduced to aggregate sums and classed according to the epochas for which the said annuities are to continue, they will require a provision of revenue as follows :

1. From the year 1796 to the end of 1800—

For foreign debt,	1,257,426
6 per cent stock	2,324,178
3 per cent do.	587,926
5½ per cent do.	101,689
4½ per cent do.	7,920
Unfunded debt	78,261
Bank debts	372,000

4,729,397

2. From 1801 to 1809 inclusive, when the foreign debt will be extinguished—

For above	4,729,398
And ann. on deferred debt	1,147,695

5,877,093

3. From 1810 to 1818 inclusive, when the 6 per cent stock will be extinguished,

For above	5,877,094
Deduct foreign debt	1,257,426

4,619,668

4. From 1819 to 1824 inclusive, when the deferred stock will be extinguished,

For above	4,619,668
Deduct 6 per cent stock	2,324,175

2,295,493

5. After 1824 supposing the above mentioned debts extinguished, and no increase of debt—

For above	2,295,493
Deduct deferred stock	1,147,695

1,197,798

Interest on 3 per cents 587,926

5½ do. 101,689

4½ do. 7,920

Unfunded debt 78,261

Bank debts 372,000

1,147,796

By establishing revenue adequate to current expenses of government, in addition to the foregoing estimate, during the periods above recited, the following reductions of debt would be effected :

1. At the close of 1809, the foreign debt	11,800,000
2. At the close of the year, 1818, the six per cent. stock, bearing a present interest,	29,344,752 98
3. At the close of the year 1824, the deferred six per cent. stock,	14,578,882 39

Amounting together, to	Dollars, 55,723,635 37
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After the reimbursement of the foregoing sums, there would still remain of the present debt,

1. The three per cent. stock, being	Dollars, 19,527,545 93
2. The five and a half per cent stock,	1,841,900
3. The four and a half per cent stock,	176,000
4. The unfunded and unliquidated debts,	1,304,356 97
5. The debts due to banks, or the stock which may be substituted thereof.	6,200,000

Amounting in the whole, to	Dols. 29,126,802 90
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If, however, the United States can establish a revenue equal to the scale of expenditure which will be necessary in the year 1801, the whole debt may be extinguished by payment or purchase, on or before the end of the year, 1824 ; as also a considerable additional debt, if such should accrue from future contingencies.

The foregoing calculations being founded on existing contracts, are liable to but little uncertainty ; it is necessary, however, to form an estimate of the probable expenses of those establishments which the United States must at all times maintain. On this subject there exist no data from past experience, which afforded a satisfactory ground for an opinion ; it is believed, however, that it will be unsafe and deceptive to calculate the current expenses of government, at less than the following estimate :

For the support of the civil list,	Dols. 486,000
For expenses of intercourse with foreign nations,	100,000

Carried over, 586,000

	<i>Brought over,</i>	586,000
For the mint establishment,		40,000
For light houses,		25,000
For expenses of the loan offices,		12,000
For miscellaneous objects and contingent expenses of government,		37,000
For the military and naval departments, inclu- ding pensions,		2,000,000
		<hr/>
Amounting in the whole, annually, to	<i>Dols.</i>	2,700,000
		<hr/>

If it shall be found that the expenses of the military and naval departments cannot be reduced below the above estimate, which, though much to be desired, is far from certain, the foregoing calculation will fall short of the real expenses ; it being morally certain, that the expenses of civil government will hereafter considerably increase.

Assuming it, however, as a principle, that the expenses of the public establishments will amount to two millions seven hundred thousand dollars, and no more, it follows, that to preserve the United States from the necessity of recurring to future loans, it is requisite to establish a revenue to continue until the close of the year 1800, of seven millions four hundred and twenty-nine thousand three hundred and ninety-eight dollars, ninety-nine cents. And from the year 1801 to the year 1809, inclusive a revenue of eight millions five hundred and seventy-seven thousand ninety-four dollars fifty cents.

It is a further consequence of the foregoing data, that though a revenue upon this last scale would be more than sufficient to discharge the whole public debt, on or before the year 1824, yet that the absolute engagements of the United States will not require, after the year 1809, more than seven millions three hundred and nineteen thousand, six hundred and sixty-eight dollars thirty-six cents ; which last sum is less than the annual expenditure required by existing contracts and arrangements.

Having thus presented a view of the probable expenditures of the United States, it remains to shew how far the revenues, already established, afford an adequate resource ; the particulars and amount of these revenues, are as follows :

Duties arising on imports and tonnage
calculated upon the actual receipts during
the year 1795,

Carried over, 5,588,961 26

	<i>Bro't forward,</i>	5.588,961 26
Duties on domestic distilled spirits and on stills, on refined sugar, sales at auction, licenses to retail spirits and wines, and on carriages for the conveyance of persons, calculated upon the receipts of 1795.		337,255 36
Revenue from the post office,		35,000
Dividends on bank stock, calculated with reference to certain sales, the proceeds of which will be applied to the payment of part of the debt due to the bank of the United States,		150,000
Interest on stock purchased and redeemed, and vested in the sinking fund,		886,636 65
Duties on patents and contingent receipts, (uncertain)		746 73

Estimated annual current revenue, 6,200 600

It results that the following sums must be provided, *in addition* to existing revenue, viz.

1st. From the present time to the end of 1800	1,228,798
2d. From 1801 to the end of 1809	2,376,494
3d. From 1810 to the end of 1823	1,119,068

To provide sums annually required till 1801 may be done without imposing inconvenient burdens.

To reimburse the whole foreign debt, by direct payments before 1824, may be practicable. It is however probable, that *occasional loans* will be advisable, with a view of postponing the final reimbursement of part until after 1818, when the present six per cent debt will be discharged.

Mr. Smith said since loans could not now be had, upon any reasonable terms, there was no way of raising the money wanted but by taxes upon the people. The question was what sort of taxes should be resorted to? Members, he said, were divided between direct and indirect taxes; but all were agreed that an additional revenue of 1,200,000 dollars being wanted, some effectual steps were necessary to be taken. If indirect taxes had proved insufficient, it was necessary to have recourse to some other; he knew of no other that would be so effectual as a direct tax on land.

With respect to raising further revenue from commerce he believed it was not possible to do it to any considerable extent, and this source, he said, was at best but a precarious one. If, then, they had tried all other sources without effect, they should be obliged to have recourse to a land tax. And

he would submit it to gentlemen whether it was not best to meet the difficulty at once. If, said he, the necessities of government, the public safety, the credit of the country, require it, it is necessary and proper we should look the evil in the face.

Notwithstanding he delivered this opinion, Mr. S. said, he should be glad to hear the sentiments of gentlemen on the subject, who were in favour of other plans, though he was apprehensive they should be obliged to have recourse to the source he had mentioned.

Indeed there was one view of the subject which would make such a system desirable, though our necessities did not immediately require it. At present, he said, almost the whole of our revenue arose from commerce, and was liable to be very much deranged by any European war, and to be wholly destroyed, if this country should engage in a war. It were to be wished, therefore, that there should be a plan created, which might at any time, by a short notice, be carried into effect to an extent which should be equal to the necessities of government. Nothing would answer this purpose so well as a tax on land. Suppose, he said, the plan was originated with 200,000 dollars, having the system open, they could at any time raise it to one or two millions; as, if certain descriptions of land were charged a quarter per cent. they might easily be advanced to one half, three-quarters or one per cent. without embarrassment.

Mr. S. said, this subject had been frequently under the consideration of the committee of ways and means, and had always been considered as a subject of great importance, and as attended with considerable difficulties. There had always been a division in that committee on this subject, certain of them wishing to raise the money by indirect, and others by direct taxation, but it had always been found that when they turned from direct to indirect taxation, so many objections were brought against any plan which was proposed, that there was no possibility of proceeding. In the last session, several objects were proposed, but they were objected to, and abandoned; at length they had determined to resort to a system of direct taxation, and had accordingly given directions to the secretary of the treasury to prepare a plan for the purpose. This plan had been reported, and referred to the committee of ways and means; and before that committee chose to go farther into the business, they wished the house to determine upon the principle; afterwards, if a majority should be in favour of direct taxation, the committee would bring in such

a bill as should appear to them to be least burdensome to the people. But, if gentlemen were of opinion the money wanted could be better raised in any other way, they would, of course, propose their plans; but he hoped they should not shift from one thing to another, without fixing on any thing, since the wants of government must be supplied.

Mr. COIT hoped the resolution would be adopted; not that he wished to pledge himself to agree to any system of direct taxation which might be proposed. He looked upon the agreeing to the resolution as only one step. Whether eventually such a plan could be devised as the house should approve was uncertain; but he should wish to look at the plan which gentlemen had in contemplation.

Mr. HARPER said, if they could look at the plan, as the gentleman from Connecticut (Mr. Coit) had supposed, without pledging themselves to adopt a system of direct taxation, he should also be glad to see it; but, he believed to adopt the resolution before them, would be to decide upon the principle of direct taxation. Afterwards, all the question would be as to the modification of the system, and the manner in which it should be carried into effect. But, he believed, a majority of that house, neither was, nor would be prepared to say this was the most eligible and convenient mode of raising revenue.

It was true that they all knew, they knew it last session, that the money wanted, 1,200,000 dollars additional revenue must be raised from the people by means of taxation. The question was only about the mode. The committee of ways and means had given them a resolution of four lines, that direct taxes ought to be laid; but how, or under what modification, or how the difficulties which were acknowledged to exist, were to be got over, they were not told; but they were called upon to determine upon the principle, without any information on the subject. He wished the committee of ways and means might be instructed to give them the data upon which they meant to found their plan; that they might be instructed to shew them the means by which this plan was to be effected—how this direct tax was to be collected. They doubtless had considered this; but the committee of the whole had not considered it; nor had they the materials for going into the investigation. It was his desire, that before they committed themselves, they might know more about the matter than they then knew; that they should have the system before them, and that they might not decide upon the

abstract principle, without having that system. He should, therefore, be against the resolution, and move for the committee to rise, that the report might be re-committed, for the purpose of obtaining a skeleton in which way they please of the plan which had been contemplated. He hoped the committee would be discharged.

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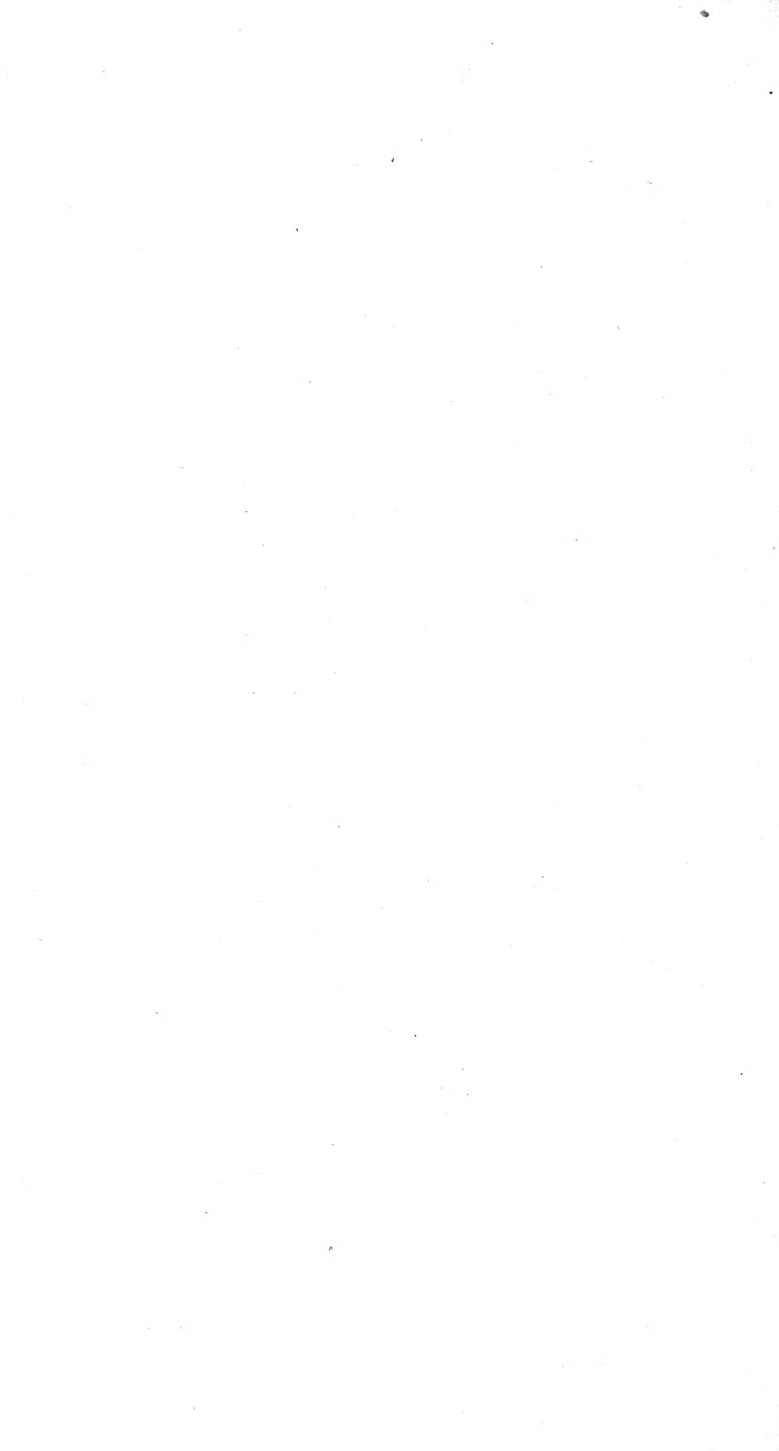
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